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TESTIMONY

TAKEN BY

THE JOINT SELECT COMMITTEE

TO INQUIRE INTO

THE CONDITION OF AFFAIRS

IN

THE LATE INSURRECTIONARY STATES.

ALABAMA.

VOLUME III.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1872.

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THE KU-KLUX CONSPIRACY.

This report consists of thirteen volumes.

Volume I contains the report of the committee and the views of the minority.

Volume II contains the testimony taken by the committee in relation to North Carolina, and the report of the trials in the United States circuit court held at Raleigh, North Carolina.

Volumes III, IV, and V contain testimony taken by the committee in relation to South Carolina, and the report of the trials in the United States circuit court held at Columbia, South Carolina. Index to the three volumes is contained in volume III.

Volumes VI and VII contain testimony taken by the committee in relation to Georgia. Index is contained in volume VI.

Volumes VIII, IX, and X contain testimony taken by the committee in relation to Alabama. Index is contained in volume VIII.

Volumes XI and XII contain testimony taken by the committee in relation to Mississippi. Index is contained in volume XI.

Volume XIII contains miscellaneous testimony taken by the committee, testimony in relation to Florida, and miscellaneous documents.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

ALABAMA—Continued.

LIVINGSTON, ALABAMA, *November* 2, 1871.

SHEPERD FENDERSON (colored) recalled.

The CHAIRMAN. I am informed that you want to correct some statement in your testimony. You can do so now.

The WITNESS. The rumor has got out in some way—I do not understand it—that I was the principal person who said that they knew all about the death of Robin Westbrook, and it was regarded by Dr. Smith as said by me before this committee. I want from this committee, if you please, to give me a certificate to prove that I did not say that Dr. Smith was the principal one in killing Robin Westbrook. That is the rumor that has gotten out.

By Mr. BLAIR:

Question. Did you say that?

Answer. I did not.

Question. You did not intend to say that?

Answer. I did not intend to say that, if I did say it.

Question. You wish to state that you did not intend to implicate Dr. Smith in any way in the murder of Westbrook?

Answer. Not at all, sir.

Question. That you did not know he was concerned in it, and did not intend to say so?

Answer. And did not intend to say so.

Mr. BLAIR. My recollection is this: I asked the witness the question. I think he said Dr. Smith was suspected; that is about all I think that he said on that subject.

The WITNESS. That was about what I said, sir; he was suspected.

Mr. BLAIR. But that you did not know anything about it, and that you did not intend to implicate him in it?

The WITNESS. Yes, sir; that he passed my house that night after the death of Rob. Westbrook, going to his plantation, on horseback.

Mr. BLAIR. I will give you a note.

DEMOPOLIS, ALABAMA, *October* 26, 1871.

NATHAN L. STEWART sworn and examined.

The CHAIRMAN. This witness having been called by the minority, will be examined by General Blair.

By Mr. BLAIR:

Question. Where do you live, Mr. Stewart?

Answer. I am living about six miles from here, near Jefferson.

Question. On the road to Jefferson?

Answer. Yes, sir.

Question. How long have you lived there?

Answer. I have been living there since the last of December last.

Question. Do you recollect the circumstances of the killing of a man named West brook, or hearing of it?

Answer. Yes, sir.

Question. Do you recollect the time it occurred?

Answer. I think, as near as I can recollect, it was about the middle of August; I never paid much attention to the time.

Question. Are you acquainted with a gentleman named Sib Lipscomb?

Answer. Yes, sir.

Question. Do you know where he was at the time this murder took place?

Answer. Yes, sir.

Question. Where was he?

Answer. He was at home.

Question. At his house?

Answer. Yes, sir, at his house.
Question. Were you there?
Answer. Yes, sir, I was there.
Question. Were you there the very night this occurrence took place?
Answer. Yes, sir.
Question. Do you recollect of hearing of the occurrence the next day?
Answer. Yes, sir; I heard of it the next day.
Question. You staid at his house that night?
Answer. Yes, sir; he was sick. I was there with his two brothers; I was there to wait on him.
Question. What was the matter with him?
Answer. I think it was either intermittent or remittent fever; I forget which.
Question. Sick in bed?
Answer. He was not in bed all the time, but up and down during the night.
Question. Did he leave the house that night?
Answer. No, sir.
Question. When did he leave the house, or get up?
Answer. He did not get up until next morning about breakfast-time.
Question. Do you know, or did you ever hear any one connect the name of Mr. Lipscomb with the murder of that negro man?
Answer. No, sir.
Question. You never heard any rumor in the county that attributed it to him, that he was present and aided in the murder of that man?
Answer. No, sir.
Question. Did you ever hear that any one was implicated in that murder?
Answer. No, sir; I never have heard it.
Question. You never have heard any one's name connected with it?
Answer. No, sir.

By the CHAIRMAN:

Question. Were you working for Mr. Lipscomb at that time?
Answer. No, sir; I was not.
Question. What were you engaged in?
Answer. I was attending to business for Mr. Davis.
Question. How did you happen to be at Mr. Lipscomb's house?
Answer. He sent for me the evening before that; I left in the morning, and he asked me to come back that night and wait on him and his brothers.
Question. How far does Mr. Davis, by whom you were employed, live from Westbrook's place?
Answer. I think it is about forty miles; he lives over near Sumterville, in Sumter County.
Question. Davis does not live near Lipscomb?
Answer. No, sir.
Question. You staid at Lipscomb's only a short time, and returned to Davis's?
Answer. I staid there all night.
Question. When did you return?
Answer. I returned next morning.
Question. How far is that from where Westbrook was killed from your house?
Answer. It is about four miles and a half.
Question. How far from Lipscomb's house?
Answer. I do not know—two or three miles—I do not know exactly; I just lived in that part of the country this year; have been there several times in that neighborhood.
Question. What day of the week did you stay all night at Lipscomb's?
Answer. I am not sure, but I think it was about Wednesday night, to the best of my recollection.
Question. What makes you think it was the middle of August?
Answer. Because I think it was about that time that I was there; it was in August, I know, that he was sick, and I think it is about the middle, as near as I can recollect.
Question. You staid there but one night?
Answer. I staid two nights?
Question. Was this the first night?
Answer. No, sir.
Question. You had staid there the night before?
Answer. Yes, sir; and that night.
Question. Was there a moon the second night—the night Westbrook was said to have been killed?
Answer. I did not notice; I do not remember.
Question. You heard of his murder the next day?
Answer. Yes, sir.
Question. Have you ever inquired into the matter much since?

Answer. No, sir.
Question. You felt no interest in it?
Answer. No, sir; I had no interest in it.
Question. You have never heard who was suspected of killing him?
Answer. No, sir; I never heard; I have generally staid pretty close at home.
Question. Did you hear he was killed by a band of men in disguise?
Answer. No, sir; I heard the woman said they were not disguised; I did not hear about any of them being disguised at all.
Question. Did you hear that he was killed by white or black men?
Answer. They did not say; it was by a band of men.
Question. Did you talk with Mr. Lipscomb any about it?
Answer. No, sir.
Question. Never have talked with him about it at all?
Answer. I never asked any question about it, sir.
Question. He never talked to you about it?
Answer. No, sir; he came the other night—last night—and said he wanted me up here this morning as a witness that I was at his house; that General Blair told him to bring his witnesses in.

By Mr. BLAIR:

Question. He then told you it was in reference to this matter?
Answer. Yes, sir.

By the CHAIRMAN:

Question. He never had talked to you on this subject before?
Answer. No, sir; he never had.
Question. He told you you were there that night, did he?
Answer. No, sir.
Question. Was he up and about the next day?
Answer. Well, I don't know whether he was; he was up and down, I think; I left next morning, and came up after some corn.
Question. When were you back?
Answer. I was back that evening to see how he was.
Question. Was he about the house then?
Answer. Yes, sir.
Question. Was he confined to his bed?
Answer. No, sir; he was getting up a little.
Question. Did you understand he got about soon after that?
Answer. It was a long time before he was able to get about much; he was sick, having chills afterward.
Question. After you went back to Mr. Davis's, was not the matter talked of—about the killing of Westbrook?
Answer. No, sir; not at all; there was nobody there to talk to, and I was there by myself, only the hands on the place.
Question. Mr. Davis is a planter?
Answer. Yes, sir.
Question. Were you keeping his accounts?
Answer. Yes, sir.
Question. And there was no one to talk to except colored people?
Answer. Yes, sir.
Question. Were you in the nature of an overseer?
Answer. Yes, sir.
Question. From that time to this you have never heard of the killing of Westbrook?
Answer. No, sir; I never have.
Question. You have never made it the subject of any conversation with any white man?
Answer. No, sir, nor any other man; never said anything about it at all, nor nobody to me.
Question. Was the killing of a negro man, by a band of men at night-time, so common a circumstance that you did not think it worth while to talk about it?
Answer. Well, sir, I don't know; it never happened to come up in conversation for a subject of talking.
Question. Are you a native of this State?
Answer. I am, sir.
Question. Were you well acquainted about Jefferson?
Answer. No, sir; I am very well acquainted with some white people down there—some few; I am just there this year.
Question. Were you acquainted with a man named Beaman?
Answer. No, sir; I knew him when I saw him, but had no acquaintance with him.
Question. He is dead, I believe?

Answer. Yes, sir.
Question. Did you understood what he died of?
Answer. I understood it was one of these yellow chills; what the physician said.
Question. Was that Dr. Smith?
Answer. Yes, sir.
Question. Dr. Smith was his physician, and gave it out that he died of the yellow disease?
Answer. Yes, sir. I am not sure but Dr. McGowan attended on him first; but that was said, that it was yellow disease.
Question. Did you hear he was taken down sick right after Westbrook was killed?
Answer. I believe it was directly afterward, or about that time that he was sick.
Question. Were you acquainted with Judge Oakley?
Answer. Yes, sir.
Question. What had he been a judge of?
Answer. He was no judge.
Question. Was he called Judge Oakley?
Answer. No, sir; Jud Oakley, for Jordan Oakley.
Question. Did you know Judge Gillispie?
Answer. No, sir.
Question. Did you go and wait upon him and his two brothers, all being sick, or did you and the two brothers wait upon Sid, who was sick?
Answer. His two brothers and himself were sick.

DEMOPOLIS, ALABAMA, *October* 26, 1871.

FRANCIS S. LYON sworn and examined.

The CHAIRMAN. As this witness is called by the minority, General Blair may conduct his examination.

[Concerning the testimony given by this witness on this day, see below.]

DEMOPOLIS, ALABAMA, *October* 27, 1871.

FRANCIS S. LYON recalled.

The WITNESS. Being called yesterday, when I was not expecting at the moment to be called, I came without my notes, and I made two errors of statement, and perhaps did not express myself as I desired; and therefore, last night, I wrote out, as nearly as I could recollect, the questions put to me by General Blair, and also my answers, carefully, which I propose to submit in place of the record of the reporter of what I uttered, which, however, I have no doubt is perfectly accurate.

The CHAIRMAN. I have no objection to the substitution, except that I have taken very full notes, with a view of cross-examining, and I do not know that they would agree with the proposed record, which it is desired to substitute.

Mr. BLAIR. I suggest, then, that the paper be received, and that the witness read over the manuscript he now presents, that the chairman may know its contents, and be able to cross-examine thereon.

Witness proceeded to read his manuscript, as follows:*

FRANCIS S. LYON sworn and examined.

By Mr. BLAIR:

Question. Are you a citizen of this State, how long have you been such, and where have you resided?
Answer. I am, and have resided in the State since its organization, and resided in the Alabama Territory before.
Question. What public position have you held, if any?
Answer. I have served in the State senate and house of representatives, and in the Congress of the United States, and was a member of the confederate congress from 1862, or 1863, till 1865.
Question. Do you know of any Ku-Klux organization, or of any combination of disguised persons, to disturb the peace or commit acts of violence or disorder, or of violence or disorder committed by any such persons?

* For further discussion concerning the testimony of this witness, see page 1427.

Answer. I have no personal knowledge of any such organization; have heard of acts of violence committed by persons in disguise, such as the killing of Mr. Boyd, the solicitor of Greene County. The facts of this case, as I have heard them, were, that a citizen of Greene, a white man, was killed on the road near Eutaw and robbed of money he was known to have; that a negro was charged with the offense, and killed without a trial; that Boyd had said publicly he had proof against the offenders, and would convict them of the offense of killing the negro. This is the only supposed cause I ever heard for the killing of Boyd. I have heard of the case at or near Patona, where a band of negroes were charged with firing on a congregation retiring from church; some negroes and a white man were arrested in consequence by the sheriff, and taken from his custody or the jail and hung by a mob. I have heard of some other cases of violence in different parts of the country, but have no knowledge of them myself.

Question. Have you an extensive acquaintance with the people of the State? if so, state whether, in your opinion, they have since the close of the late war been loyal or disloyal. State anything you may know or believe in this respect.

Answer. I have an extensive acquaintance with the people of this State, and believe the great mass of them, indeed, all with whom I am acquainted, have been, since the close of the late war, entirely loyal to the Government, State and Federal.

Question. Are the people satisfied with the constitution and laws, State and Federal, under which they live, and willing and able to uphold and enforce the laws?

Answer. There is dissatisfaction at some of the laws of Congress and with the constitution and some of the laws of the State. The reconstruction measures of Congress are in many respects distasteful to the people, and regarded as oppressive, and they would gladly see the objectionable features repealed. The State constitution is objectionable both on account of the manner of its adoption and from the fact that the people think the instrument was never ratified by the popular will, and that it contains objectionable provisions. Many would be glad to see the instrument, in some of its provisions, changed and amended.

Question. State the cause, if known to you, of any dissatisfaction with laws of the State.

Answer. In the first place, many of the people think laws for their government have been passed by persons who never received their vote and were not their authorized representatives. The constitution was submitted to a vote of the people under a provision that, if it did not receive a majority of registered votes, it was to be considered as rejected. Those opposed to its adoption abstained, under this provision, from voting. A majority of registered voters did not vote in the affirmative, and hence the constitution was not adopted by the people. But at this election, where the majority failed to vote, various persons, many of them strangers, received a minority of votes for governor, members of the legislature, and other offices, and went into office not in accordance with the will of the people. A State government thus constituted has passed some laws oppressive in their character and mischievous in their effect. The tax-law, passed in 1868, contains provisions not intended for the public good. In addition to an extravagant rate of taxation, it provides that where a man's property is sold for taxes, he can only redeem by paying double the amount of the tax or price at which the property sold and all cost. And where a deed is made to a purchaser at a tax sale, it is made *conclusive* evidence, whether the sale was legal or illegal, that all the requisites to a valid sale had been complied with. Under this law, lands in large quantities have been advertised for sale by dividing a section into sixteen parts, so as to charge for a separate advertisement on each forty-acre lot, and the laws so arranged as to give one party paper the legal advertisements for several counties. A paper published in this town, and edited by a radical member of the legislature, named Burton, had the public printing for four counties, and was himself the reputed author of the law referred to. As evidence that this law was intended as an indirect mode of confiscating the property of the citizens, I submit a number of the paper published by Mr. Burton with the advertisement of tax sales.

[The witness here exhibits a newspaper, entitled "Southern Republican, Supplement," containing twenty-one and one-half columns of advertisements by tax collectors of tax sales of real estate in June, 1870, in the counties of Marengo, Greene, Perry, and Choctaw, Alabama.]

Another objectionable law, and one calculated to produce fraud and mischief, is the election law, which prohibits the challenging of illegal voters. No one is allowed to do this, or to approach within 40 feet, I believe, of the polls, and a citizen may see a minor or non-resident approach the ballot-box, with an illegal vote in his hand, without the right to warn the judge of election or announce the fact. Another objectionable law is the act authorizing counties, towns, and cities to subscribe for stock in railroads. Under this law, a majority of non-property-holding voters may compel those who hold property to take stock in a railroad against their wishes, and in opposition to their best judgment.

Question. If you know, or have reason to believe, that acts of oppression have been

committed upon the people or any portion of them by officers of the Federal or State government, since the war, state them.

Answer. I have some knowledge of cases of oppression by officers of the Federal Government since the close of the war. After the final surrender of General Taylor to General Canby, I saw a printed order from General Canby posted up, requiring all persons who had sold cotton to the Confederate States to surrender it to the United States authorities, under pain of having their property confiscated if they failed to do so. I had myself on hand three hundred and forty-eight bales of cotton which I had agreed to sell to an agent of the Confederate States for confederate bonds, but had not delivered the cotton. Upon seeing this order, I called upon General Hubbard, in command at Demopolis, told him I had the cotton, and was ready to obey General Canby's order, and asked him to send an officer with me to my plantation and receive it. His reply was that he had no orders to receive the cotton, but would send an officer to examine the cotton and count the bales, and did so. Subsequently an agent of the Treasury Department, General Durdan, demanded it, and I commenced, under arrangement with him, to haul it to a railroad depot, and had hauled some seventy-five bales, when, as I was informed and believe, sundry wagons, guarded by United States soldiers in uniform, went upon my plantation and took off twenty-six bales of the cotton in the night-time, a man named English having inquired of the manager on the plantation shortly before, "if he would consent to accept $2,000 in gold and sleep soundly all night." The next day twelve wagons, guarded by United States soldiers in uniform, went upon my plantation, and took off about seventy bales of the cotton. These wagons were pursued to Uniontown, and the commanding officer at that place was induced to place the cotton under military protection till I could return home from an absence at Montgomery. On my return I reported the facts to General Hubbard, who ordered the cotton to Demopolis, and, at my request, arrested one Ruter, who claimed to take it under the authority of some cotton agent in Mississippi, but having no legal evidence of such authority. While engaged in the hearing of the proof as to Ruter's taking the cotton, General Hubbard received an order from some superior officer, telling him he regarded Ruter as a cotton agent, and ordering his discharge. My cotton went into the hands of a Treasury agent, although I did not think the capture of it after the close of the war made a lawful prize. Other cases of much hardship and oppression in seizing cotton after the war occurred. Mr. John Collins, an old man and a decided Union man, having openly opposed the war from beginning to end, had four hundred bales, which he had agreed to sell to an agent of the Confederate States for confederate bonds, but had never delivered it; was compelled, after the war, to surrender it up to a Treasury agent, never having received a cent of value for it; and Gaius Whitfield, another Union man, had his cotton seized also after the war. These and similar acts were regarded as oppressive and illegal. It is believed no legal sale had been made of the cotton, and no title could legally have been acquired by capture after the war had closed. Some acts occurred on the part of military officers of the United States after the war which were regarded as highly oppressive. Some six or seven young men of Eutaw were arrested upon a charge of riot or assault and battery, tried by a court-martial, and sentenced to hard labor at the Dry Tortugas for various periods, from two to six years, as I believe. The facts, as reported to me, were, that one of them, in the day-time, met a man on the street named Bird, and charged him with stealing his father's wood. A fight occurred, without the use of any weapon but the fist. No great damage done, but there were threats, not executed, of riding Bird on a rail. Such were the facts, as I understood them. The young men were sent through the State under military guard, handcuffed, and their friends not allowed to supply them funds; were taken by way of Jackson, Mississippi, to New Orleans, and thence to Pensacola by sea. A Pensacola newspaper states they were seen on the deck of the vessel in that harbor, in chains, guarded by United States soldiers. The statement in the paper was shown to General Meade, and his attention was called to the case. The sentence of the court was remitted, and the men discharged without the means of transportation back, and had to sail to Galveston, where they could telegraph their friends for aid. Such was my information. Another case, regarded as oppressive, occurred at Livingston, Sumter County. A Mr. Barker, a carriage-maker, and worthy man, was arrested in his house in the night-time, handcuffed, taken to Selma, without, as I understood, being informed of the charge against him. He was released and sent home, and afterward it was discovered that the supposed witness upon whose statement the arrest was made, denied ever having accused him of anything.

Question. What has been, and is now, the relation or state of feeling between the white and colored people, so far as you know?

Answer. It has, so far as I know, until lately, been generally kind and friendly. There have, no doubt, been individual cases otherwise, but I think the general disposition of the white people has been, and is now, to do the blacks justice. If the colored people were let alone by political demagogues and unworthy office-seekers, there would be but little trouble between the races. When the Loyal Leagues were in

operation, efforts were made by designing white men to control the votes of the negroes, by representing to them that their old owners would re-enslave them if they had the power, a thing which everybody ought to know is utterly false. There is no power to do any such thing, and no disposition to do it if the power existed. It is said they are told by some, who wish to control their votes, that planters do not pay them sufficient wages for their labor. My own judgment is, that they are paid, generally, as much as planters can afford. Neither party can make much money in the present state of things.

Question. Are negroes allowed in this State the exercise of their civil and political rights, such as holding office when elected or appointed, being witnesses in courts, serving on juries, &c.?

Answer. I know of no instance to the contrary. According to my observation, the same measure or rule of justice is accorded to a black man as to a white man in our courts of justice.

Question. Do the white people, so far as you know, apprehend any collision of races or disturbance of the public peace on the part of either white or black?

Answer. I have not myself, and do not know any one else who apprehends a collision of races. Some riotous disturbances have occurred, and a late occurrence at Dayton, in this county, looked threatening, but the good sense of the people prevented trouble, and will, I think, continue to prevent it. It was understood that W. B. Jones, a candidate for office, was to address the people at McKinley's, and a band of negroes, some five hundred, it is said, went there or near there armed and in a threatening manner, but for what purpose or upon whose invitation I am not informed. Imprudent or inflammatory speeches to such a people or in their hearing might involve trouble, and although every citizen is guaranteed the right to bear arms, no body or combination of persons ought to be allowed to go to political gatherings with arms in their hands. An occurrence, such as the papers of this morning report to have happened in Mississippi, might take place. A body of armed negroes at Artesia, in Mississippi, during the progress of a political speech, fired upon and killed an unarmed white man without the slightest cause or provocation and under most aggravated circumstances, according to the newspaper accounts. Such things may happen anywhere, among such people, and involve serious consequences.

Question. Have you heard W. B. Jones make speeches, and is his manner violent and insulting or otherwise?

Answer. I have not heard Mr. Jones make a speech since the last presidential election. He was then a warm supporter of the Seymour and Blair ticket. I heard him make a speech at Forkland, in Greene County; Mr. Charles Hays also addressed the people at the same meeting; Jones told the meeting in this speech that he and Hays had entered into an agreement at Montgomery to quit the radical and join the democratic party; Hays did not admit the agreement altogether, and Jones denounced him in quite an insulting manner; I heard Jones speak also in a democratic club in Demopolis; he was fierce and violent against the radicals, and in the course of his speech insulted Judge O'Connor very grossly. He is sometimes offensive in his manner as a speaker, and seems to know but little of the courtesies or proprieties of debate.

Question. Do you know of any intimidation or attempt to intimidate voters at any election?

Answer. I do not.

Question. Have you a knowledge of the condition of the public debt of the State, before and at the close of the war, and now?

Answer. Yes, sir, I have some knowledge of the State debt, from the fact that I formerly had charge of it as a State commissioner. At the beginning of the war the State debt was a fraction over three millions of dollars. It was less, I think, than three and a half millions. Some considerable addition was made to the debt during the war; but this part of the debt was, as required by President Johnson, repudiated; I mean the debt incurred during the war. The debt was increased somewhat under Parson's administration as governor, and also under Governor Patton's; and when the State government went fully into the hands of the radical party, the debt had been increased to some eight millions in round numbers. The debts and liabilities of the State, in my opinion, now amount to over $25,000,000; the rapid increase has been brought about by the loan of $2,000,000 to the Stanton Railroad, $2,500,000 to the Mobile and Montgomery road, and by the indorsement by the State of the bonds of railroad companies to the extent of $16,000 per mile of every railroad built in the State. It has been openly charged and is believed, and in fact to some extent has been proved before a committee of the legislature, that the large loans referred to were procured by extensive bribery of members. One member, Mr. Hardy, from Dallas, was proved to have received $35,000, and the governor himself was not free from suspicion. In the crippled condition of the State, such a debt is most oppressive upon tax-payers.

Question. In what manner have the laws, civil and criminal, been executed—satisfactory to the people or otherwise?

Answer. Not in a manner generally satisfactory to the people; the judges in office, or

most of them, when they entered upon their duties, were strangers to the people. They were, or rather many of them, what we call here carpet-baggers, seeking anything to be found after the close of the war. They accepted almost any office within reach; some of them were not qualified, either from character or attainments, for judicial stations, but they accepted. With such men for judges, the general administration of justice has not commanded the public respect or confidence. I heard lately of one case where a circuit judge, having a negro on trial before him for a penitentiary offense, and while the jury were out, sentenced the accused to two years imprisonment in the penitentiary; and when the jury returned, their verdict was, not guilty. Such a case is not calculated to inspire people with respect for the administration of justice; I have heard of the compromise of criminal cases out of court, a practice not authorized by law. I have no personal knowledge of such cases, but have heard of them. Some of the judges in office have enforced the laws, I believe, reasonably well; but the people desire a new election for judges and solicitors. They are not satisfied with the way or mode by which they obtained office.

[The witness having concluded the reading of the foregoing, the examination proceeded as follows:]

By Mr. BLAIR:

Question. There was before us, three days ago, a woman who called herself Eliza Lyon, the wife of Abe Lyon; both of whom, I believe, were your servants formerly?

Answer. Yes, sir; Eliza was raised in my family as a house-servant, and her husband was a blacksmith on my plantation, and a very valuable one.

Question. She testified to the killing of her husband in Choctaw County. I desire to ask you if she gave you an account, immediately after the occurrence, of the circumstances attending it?

Answer. Yes, sir; very shortly after the occurrence happened this woman, Eliza, came to my house and told me of it. I had heard of it before. She told me of what had occurred. I was exceedingly anxious, for I felt under obligations to her and the man, to see justice done, if I could have it done. I interrogated her with great particularity as to the facts. I did not know exactly where he lived until she came to me then. He had formerly lived with Judge Luther R. Smith, near Tuskaoma, eighty miles from here. She told me he had moved to Dr. McCall's; that he was carrying on his trade of blacksmith, and that on a certain night a number of armed men appeared at his house in the night-time; that she saw them, and she distinctly saw white men and negro men; she knew there were whites and negroes in the crowd, but she could not tell in what proportion, how many whites or blacks; she gave me the particulars of the killing of her husband; a most cruel one as I have ever heard of in my life; they took him out and shot him. I asked her if he had had any quarrel with anybody in the neighborhood that could possibly have led to the attack. She first said, and I thought very honestly and think so now, that she did not know of a single dispute he had had in that neighborhood; she could not assign the remotest cause for it, and did not suggest a suspicion against anybody; but she finally remarked, she remembered the fact that Abe had employed a negro man to assist him as a striker in the shop; that while he was at work he contracted an account with a merchant in the neighborhood for goods, and Abe went his security; she said the fellow became idle and worthless, and Abe could not get him to work, and dismissed him. After he dismissed him, the man applied to Abe for some small amount of property he had at Abe's house; he had left with him chickens, for one thing, and some other things, and Abe told him he should not take them away until the debt he was security for to this merchant was paid. She said the man replied to him that the property would not do him any good; that he went off. She did not hear of him again until the morning after the murder of Abe. She heard of that man leaving that part of the country, going to Tuskaoma with a trunk on his shoulder, and she said it might have been him. She did not know; she had no grounds to suspect him, except what she disclosed to me. She could not tell who it was; that was the only person she supposed Abe had had any sort of difficulty with. She told me distinctly she could not recognize any person in the crowd. I immediately wrote to Dr. McCall, a gentleman I had heard of. I had no acquaintance with him. I begged of him to give me the particulars if he had any theory upon that subject; if there was any suspicion, just to let me know what the facts were and what steps I could take to investigate; but our mails are very irregular, and although I have written him two letters, I have never got a reply to either of them.

Question. What was the character of Abe?

Answer. Well, his character was about such as the negro possesses generally; he was a very stout, strong, athletic man, a very powerful man, a fine mechanic; a man of some temper and considerable will, but I had no trouble with him; his father belonged to me before him; he is on my plantation now. He was a man of some temper and will, but I do not know of any reason why such an offense should have been committed. I do not know of any conduct of his to justify any sort of ill-treatment. I heard a rumor that he was accused—I do not know whether it is true or not—that he had

been concerned with a white man in stealing a mule. Most of my servants remained on my plantation and are there now. He went away, and it was said he was afraid of being involved in a prosecution with a white man in jail here for stealing a mule, but I never heard a fact to connect him with it.

Question. Was he liked by the white people generally?

Answer. I do not know what was the case there. I never knew. He was hired here to a man of his own color, a blacksmith, for some time; that man himself said Abe was lazy sometimes, but I never heard any imputation on his character. I do not know that he was a favorite of the white people, nor any objection to him, but I never heard any complaint. He was a lazy, idle man sometimes, but when at work he was the best negro mechanic I ever saw. I believe I never heard any complaint against him. I knew he was a man of some temper and strong will.

Question. Did Eliza state to you distinctly that there were negroes in this crowd?

Answer. Yes, sir; I asked her particularly. She had before told me this circumstance about the discharge of the striker in the shop, and that she could see well enough to see that there were negroes and white people in the crowd. I think she told me she thought that there were seventy-five—a large number, at least. I asked if there were more whites, or blacks. She said she did not know, but she knew she had seen both whites and negroes in the crowd. I tried then to find out from her if he had had any difficulty with negroes in the neighborhood anywhere. She told me she did not know of a case, excepting this striker.

Question. Did she know of any case of his having had a quarrel with any white man in the town?

Answer. No, sir. I asked that, and she said she did not know of any case at all, and had not heard of an instance.

Question. Did she say anything about expressions used by the people—by these men, when they were killing him?

Answer. She told me a good many white people assembled, and, among the number, told me of a man who had once been a manager on my plantation, named Smith; that he was present, and that the people seemed very indignant and sorry for the act.

Question. That was subsequent to the killing?

Answer. Yes, sir.

Question. But, in the act of killing, was there any reason given or expression used showing the motive for killing him?

Answer. No, sir. I asked her that question; she said there was not a word said in her hearing as to why the killing took place; that Abe asked what complaint they had against him, and she heard no reply.

Question. Did she say by whom the killing was done, the whites or blacks who were present?

Answer. She did not say; she said he was taken off for some distance and shot. I do not think she saw the actual shooting; she could not tell me whether it was by whites or blacks.

Question. Did she say anything about their taking him up and carrying him?

Answer. Yes, sir; she said they took him off. I think she said they took him up. I know she said they took him off by force from the house some distance; I think she said they carried him. He was a very uncommon stout man, and weighed 230 or 240 pounds.

Question. Did she give that as a reason for supposing they were negroes?

Answer. No, sir; she did not give me any reason for supposing they were negroes; she stated simply that she saw and recognized that there were negroes and white men present.

Question. You have no information in regard to this matter from any other person?

Answer. I never have got a particle. I have inquired of persons from Choctaw County, who could not give me any of the facts about it. I never got an answer to two letters I wrote to Dr. McCall, asking for information. I intended to have gone to Choctaw and inquired into it, if I could have obtained any information that would have induced me to believe I would have got any. I do not know that my letters were ever received. Between this and that portion of the country the mail accommodations are very unreliable, very.

By the CHAIRMAN:

Question. Had you sold your cotton to the confederate government, and received payment for it in confederate bonds?

Answer. Yes, sir; I had received the bonds, and had agreed to sell it, but they left the cotton in my possession.

Question. Did you hold the cotton as a bailee?

Answer. I held it ready to be delivered to any officer or persons representing the confederate government, whenever they applied for it.

Question. Were you requested to hold it as a bailee for the government?

Answer. Yes, sir; I was requested to retain it until called for—until the confederate government wanted it.

Question. Did you then regard the transaction as complete—that you had sold the cotton, that you had received the payment, and that you were simply a bailee of the confederate government?

Answer. That was the state of things, sir. I would have delivered it to the confederate government at any moment when applied for. I had not delivered it, and I had claims against the confederate government. If the courts had been open to me at that time, I could have made a question as to my right to pay myself what the confederate government owed me; and I think in equity I would have been able to have established it.

Question. Your claim consisted simply of your holding the notes of the confederate government?

Answer. That I held the notes of the confederate government to a considerable amount; the confederate government owed me some six thousand dollars for one item—corn from my plantation, and for a considerable amount of stock they had taken from my plantation.

Question. Had the confederate government given you a lien on this cotton for any of these claims?

Answer. No, sir.

Question. The Treasury agents, I understand you, took possession of the whole of your cotton?

Answer. Yes, sir. There was a fact that I omitted, that did not occur to me until you asked me that question, which I beg to explain now. The Government took possession of the seventy bales brought here under the order of General Hubbard. I went on and delivered it as I could, hauling it to town. I hauled it to the station and delivered to the station here, under the arrangement with General Dustin, but before I completed the delivery, the Government made an order authorizing the planter to reserve one-fourth for taking care of the cotton and delivering it. I reserved that one-fourth of the bales.

Question. You received then, as I understand, one-fourth of the bales for your services and care in preserving it?

Answer. Yes, sir.

Question. The Government claimed that this was lawful prize as belonging to the confederate government?

Answer. Yes, sir; the order of General Canby treated it as cotton sold to the confederate government, and ordered the delivery. I walked out and saw it printed on the bales in large capitals. I saw a notice on my palings, giving notice that, if the cotton was not delivered, confiscation would follow. A great deal of the cotton was delivered under protest. I have many of the protests in my office now. Mine was finally closed under protest that the Government had no title.

Question. Claims are now being made against the Government for this cotton?

Answer. I have made none myself, but there is a claim in favor of Mr. Collins's estate. I am the executor under his will. He was a very wealthy man. I filed the petition in the Court of Claims, claiming pay for his cotton, as he was a uniformly Union man.

Question. Is that claim pending now in the Court of Claims?

Answer. Yes, sir. I mentioned yesterday that Mr. Collins was pardoned by Mr. Johnson, President, and under the act of Congress that pardon is made evidence that he had given aid and comfort to the enemy; that he had assisted in the war; and is not allowed to be introduced for any other purpose.

Question. Were the young men you spoke of belonging to Eutaw who were arrested by military authority and sent to the Dry Tortugas, discharged, as soon as the facts were made known to the commander of this department, General Meade?

Answer. As I explained yesterday, I mentioned the facts to General Meade, and some weeks after that time, I do not remember how long, it was reported in the newspapers that they had been discharged.

Question. I will ask you, also, whether you mentioned the case of Mr. Barker, of Livingston, to General Meade?

Answer. I did, sir.

Question. Did he cause his discharge, also?

Answer. I suppose he did. General Meade told me, when I stated the character of Mr. Barker, and what I had heard of the circumstances of his arrest, that when he reached Selma he would inquire into the matter, and have justice done to the man; he did not say what he would do, but if the facts were as I represented them, I understood that he would discharge him. I returned home, I think, the same evening I saw the general, and I heard subsequently that he was discharged.

Question. Was General Meade's administration in this department regarded as a just one?

Answer. Yes, sir. I heard very little complaint against General Meade. We consider

that the best military administration we have had here; that is, he did us the justice to state that the constitution of our department was defeated by twenty thousand majority; that is his report to the Government.

Question. In the written statement you submit this morning, you do not make any reference to what you testified yesterday in relation to suits for treason in Judge Busteed's court?

Answer. I had forgotten that. I will state it as I did yesterday, if it is deemed important in my testimony.

Question. I understood you to implicate the then district attorney, J. Q. Smith?

Answer. Upon the information of others, more particularly; I do not know the facts personally; the common reputation of the country was that Mr. Smith, the district attorney, and Mr. Harvey, the marshal, prosecuted every man they could, who applied for a pardon, and made them pay enormous costs, in Judge Busteed's court. There is another fact, while I am upon that point, which I will state. A bill was filed in Judge Busteed's court, (they asked me about the administration of justice,) to foreclose two mortgages on this railroad, from Selma to Meridian, and the cost of that chancery suit, paid by the New York creditors of the road, as I was informed the other day in New York, amount to $122,000—the costs of one suit. Why or wherefore that amount should have been demanded, I am unable to say. That is one of the cases where we feel that very great injustice has been done the country somewhere.

Question. These facts, I understand you to say, you do not state from any knowledge of your own?

Answer. I do not state these facts about the costs, but I state the facts that those costs in the chancery court amounted to $122,000. As far as my testimony will go, from having seen accounts of the road in the hands of the president of the road, Mr. Jordan, in New York, that is one of the enormities we have had to submit to here.

Question. Is your information, that there was corruption in the institution of these prosecutions for treason, and their withdrawal in Judge Busteed's court?

Answer. There was illegality in it. We do not think a district attorney has the power to compromise a prosecution of that sort upon the payment of illegal costs. I do not know of any fact that occurred between the attorney, thought, and the parties prosecuted. I only know that there was a general clamor that they had to pay very heavy costs; that everybody was prosecuted, and the prosecutions instituted simply to make costs; that is what we understood here. Whatever I tell you on that subject is from common reputation in the country; I do not know it personally. That was a subject of deep complaint all over this country, when it occurred.

By Mr. BLAIR:

Question. You believe it?

Answer. I believe it is true; that is my opinion.

By the CHAIRMAN:

Question. You spoke of certain laws enacted by the legislature of Alabama, as being odious to the people; among others, that which provides for the sale of real estate for taxes, and the heavy penalty imposed upon redemption?

Answer. Yes, sir.

Question. State if that is an uncommon penalty in other States.

Answer. I do not remember to have examined the laws of other States upon that subject; our penalty had always been, up to that time, that the party should pay the taxes and 10 per cent. of the amount, and all costs, as the terms of redeeming.

Question. Does not that penalty afford a very strong stimulus for promptness, on the part of the people, in paying their taxes?

Answer. Yes, sir, I suppose it would. There would be a strong inducement created by that to a tax-payer to meet his taxes, because he would lose a good deal of money by not doing it.

Question. According to your statement of the law, the redemption may be made at any time within two years by payment of the taxes, and 100 per cent.?

Answer. Yes, sir; 100 per cent. and all costs.

Question. That would amount, perhaps, at the expiration of two years, to a penalty of 50 per cent. per year?

Answer. Yes, sir.

Question. I understand you to say that your laws made the tax deed conclusive evidence of the legality of all the proceedings anterior to the sale?

Answer. That is the provision of the law, sir.

Question. Is there not an exception?

Answer. There is an exception, where the party alleges and shows that he paid the tax, but in all other respects, upon the question whether the property was liable to assessment, whether it was sold at the time and place required by law, and the question of the notice required by law, it is made conclusive evidence; a party cannot contest it at all.

Question. Would it be conclusive evidence of title in case the property were not subject to taxation at all, as, for example, if it belonged to a church, or an educational or charitable institution, would it be conclusive evidence of title then?

Answer. It would be conclusive so far as the legislature had the power to pass that provision. I think it would be unconstitutional in that respect, because the constitution provides "that no man shall be deprived of his property except by the due process of law."

Question. Suppose, for example, your court-house square were sold by the tax collector, and after the expiration of two years a tax-deed was executed to the purchaser, which, you say, according to the terms of your law, is conclusive evidence of the regularity of the sale and all proceedings anterior to it, have you any idea that would convey a title to the purchaser?

Answer. No, sir; because it would be known that that property was not subject to taxation at all: but in all cases where a man's land is subject to taxation, where they have the right to assess it and demand the payment of taxes, and this deed to be made recites that it has been sold for taxes, he is in a very bad fix, unless he can have that law declared unconstitutional.

Question. A man may, even under that law, show, against the conclusiveness of the deed, that he had paid the taxes?

Answer. Yes, sir; that is an exception.

Question. With those exceptions, is not the law similar to the laws of Indiana, and Ohio, and Illinois, to-day?

Answer. I have never seen the laws of these States, and cannot tell you; but if those States have such laws, I consider them very unreasonable myself.

Question. Is it within your knowledge that, notwithstanding such legislation in this State, and other States, the courts have allowed the parties to go behind the deed, and, notwithstanding the language of the law, to show irregularities in the proceedings anterior to the sale?

Answer. We have had no case here decided by our courts under that law, not one. Before the passage of that law, it was the universal custom to go behind the deed, and, in fact, the party holding the deed had to show that the sale was regular and the law had been complied with; but the object of that law seems to be to cut off every defense of that sort that a man might have.

Question. You have no idea that that law could be enforced in the courts in this State?

Answer. No, I do not think it could; I do not think it ought to be. I think it likely the courts would hold it was in conflict with the constitution, and void; but I have found myself very much mistaken in supposing so in regard to some other laws. They have sustained a law that your State has said, and most of the other western States have said, was unconstitutional—this taxation by a majority of votes, which I look upon as the most dangerous thing that has occurred.

Question. Has not the supreme court of Indiana sustained that law, or a similar law, quite recently?

Answer. No, sir; I think my information is that some four of the northwestern States have declared it unconstitutional since the opinion of Judge Cooley. I think Indiana was one, but you know better than I do, of course.

Question. Our supreme court quite recently, I understand, have affirmed the constitutionality of a similar law in the State of Indiana.

Answer. Our State has done the same thing, sir.

Question. Where a section of land is delinquent for taxes, in the State of Alabama, your law requires the treasurer, in making sale, to sell the smallest sub-division?

Answer. Yes, sir, the law requires that the land shall be advertised as it is given in—to use a common expression, as it is listed. If I owned a section and a half, or more, and I choose to put it down in quarter sections, they have a right to advertise in that way; but if I put it down, as is invariably the custom here, section number one, and quarter of another, and a half of another, it has to be advertised in that way; that is the express provision of the law; but when it comes to be sold, the tax collector is bound to sell it in the smallest sub-divisions, that is, a forty-acre lot; he begins and sells enough of the sub-division to raise the amount due, and then stops.

Question. Does not your assessor give, in assessing a section, the value of each forty-acre tract?

Answer. No, sir, the whole tract.

Question. In the advertisements you showed of the delinquent list, how does it happen that so many dollars and cents are assessed upon each forty acres, unless the assessor originally valued them separately?

Answer. I have seen the assessment books frequently, and they do not contain a separate valuation of each forty-acre lot. That has never been the practice. It is possible that the list was prepared by the auditor and tax collector jointly, but it is not according to law, and it is not according to the custom of the country.

Question. In point of fact, may not each forty acres of a given section differ in value?

Answer. That is the case very often, but under our assessment, if you own a plantation of one or two thousand acres, the mode is to assess it at so much an acre, ten, fifteen, or twenty dollars, whatever the assessor thinks it would average; but it is never assessed in sub-divisions of forty acres at all.

Question. But when your tax collector comes to make sale, to realize the amount of taxes due, he must offer first forty acres, inquiring who will take this forty, and take the entire tax, and if no bid is made, he will take this and another forty?

Answer. Yes, sir, he offers the lowest sub-division, beginning in a particular part of the section indicated by the law offering it for sale—"how much will anybody give for this?" If a man bids an amount less than the amount of taxes, it is knocked down to him; and he takes up the next forty, and so on, until he gets enough to pay the taxes and costs.

Question. Is the land liable for the taxes against the land only, or for all against the land-owner?

Answer. Our tax laws are very stringent. They give to the State a lien upon all the land and personal property of a man for his taxes, and if he fails to pay, the tax collector can issue an execution and levy on his property, real and personal, and sell it to make the taxes.

Question. In selling the section, or sub-division here, are all the taxes assessed against the owner of the land cumulated?

Answer. Yes, sir, the whole; a man's whole lands are assessed, and the State has a lien upon his entire landed property, to secure the payment of the whole amount of his taxes, and the tax collector continues to sell until he raises the amount, and stops at that.

Question. Is not that generally the law in the northern States, so far as you have observed their revenue laws?

Answer. It so happens that I have never examined the revenue laws of other States; my attention has been confined to our own laws here.

Question. What at this time is the debt proper of the State of Alabama? I do not refer now to its contingent liabilities, its indorsement of the bonds of railroad companies, but simply ask, what is the debt proper of the State of Alabama at this time?

Answer. I am not in possession, at this moment, of the materials necessary to give you an accurate statement of the amount; I should suppose it to be, though, somewhere between twelve and fifteen millions; somewhere near there, perhaps fifteen millions, but I cannot undertake to be accurate on the subject. I could have obtained the information if I had known it was necessary, but I have never looked particularly. I have not separated what you call the contingent liabilities from the absolute indebtedness. We treat it all here as debt. Where the State has indorsed railroad bonds, we regard it as part of the debt of the State—the liability of the State—because we have never yet had a railroad in this State that has paid any money or made any money that I know of.

Question. Is not the State secured, in every instance, by a first mortgage lien on the railroads, their equipments, rolling-stock, &c., to indemnify it?

Answer. Yes, sir.

Question. Has the State, so far, been compelled to pay interest upon any of the bonds indorsed?

Answer. Yes, sir; the State has had to pay on the Stanton road, I think, some seven or eight hundred thousand dollars, that has accumulated, loaned to the Stanton road; not the indorsed bonds, but the bonds loaned to the road.

Question. Are the bonds loaned to the Stanton road included in the debt proper?

Answer. Yes, sir; I include them in the debt proper, because they are the obligations of the State direct, and there is no contingency; they loaned him the bonds to aid him in building a railroad.

Question. What is the amount of loaned bonds included in your twelve million estimate?

Answer. There are two millions of the loan to Stanton, two millions and a half of the loan to the Mobile and Montgomery road, making four and a half millions; and my recollection is that there were some three or four hundred thousand—I cannot state that positively—but I think there is an additional loan to the Montgomery and Eufala road, of three or four hundred thousand.

Question. Leaving these loans out of the question, her debt proper would not amount to over eight millions, would it?

Answer. Yes, sir; according to my recollection; I have the comptroller's report at my office. The debt was reported by the present comptroller in 1868 or 1869, before the loan was made to Stanton. The bonded debt of the State, I think, he reported then at a little over eight millions of dollars.

Question. Do you refer now to the report of Mr. Reynolds, the State auditor?

Answer. Yes, sir; [examining the report of the auditor.] I have a general recollec-

tion that he reported the State debt at a fraction over eight millions; I had not seen this for a year or two. I noticed, though, that the university fund, which is a State debt, the school fund, the sixteenth section fund, and the surplus of the revenue, are included in the liabilities of the State, making the whole $8,478,010 75; that was the amount of the State indebtedness before the loan to Stanton and the Montgomery and Mobile company.

Question. What is the date of the report from which you obtained that statement?

Answer. The report is made in 1870, I think; but the same report was made in 1869. This is the report for the fiscal year ending September, 1870. The same statement was made in his report for 1868 or '69, according to my recollection.

Question. I wish to inquire, in this connection, whether, in your judgment, the State is abundantly indemnified against losses by reason of the loan of her bonds to the Stanton road, and to the Mobile and Montgomery road, and by reason of her indorsement of the bonds of the other railroad corporation you have referred to?

Answer. Well, sir, I will state that I do not know a single case where it is. My opinion is that the State is not sufficiently indemnified in case of the Stanton road. I do not think it is sufficiently indemnified in the Montgomery road; and I do not know one of these new road buildings where I regard the State as perfectly safe; because, from our experience in railroads, and the management of railroads in this State, they have never yielded any revenues to the Government.

Question. I understand you to say the State has the first mortgage lien upon these roads?

Answer. Yes, sir, it has; and I do not think we have any road in the State, unless it may be, perhaps, the road from Montgomery to West Point, that can do much more than pay expenses. I have had a little to do with a railroad here. I was a stockholder in this one, and lost about $20,000 in it; and it is through the richest portion of this country.

Question. When were these subsidies made by the legislature—these grants?

Answer. The loan to the Stanton road, and the loan to the Mobile and Ohio Railroad, were made last November or December was a year, according to my recollection—1869.

Question. Was the house of representatives at that time democratic?

Answer. No, sir; I think not. It was made before the house of representatives became democratic.

Question. Was there not a large number of democrats in the house of representatives?

Answer. Yes, sir.

Question. Did they not vote equally with the republicans in favor of these grants and subsidies?

Answer. I do not know that I have ever examined the vote; but my understanding is, that a good many democrats did vote for these subsidies.

Question. Was it made a party measure at all?

Answer. I cannot say it was or was not, for I was not at the seat of government at that time.

Question. Was it not deemed proper, by all parties, that the State should loan its credit to these struggling, meritorious enterprises?

Answer. I have no doubt many people of the State so considered. A portion of them did; I do not know what number. For one citizen of the State, I looked upon that as a very great misfortune to the State, for I did not believe then, nor do I believe now, that the State can ever be saved from losses in these matters. If the whole thing belonged to me, I would compromise it by taking much less than the amount of debts due from those companies. I have been apprehensive, you will allow me to say, that this thing would take very much the course it took in Pennsylvania, in early times—that the roads would be sold out, and would fall into new hands, and the State would have to foot the bills. I am utterly opposed to that policy. I have had a good deal of experience in the public debt of the State. I was engaged six years in winding up a set of broken banks, to pay the public debt; and I think, from experience then, these loans are a great misfortune.

Question. Did the public generally regard these railroad enterprises as needed for developing the resources of your State, and facilitating commerce and business?

Answer. I met with some people who were in favor of building railroads, and I met others who were much opposed to it. I do not know which way the majority was; I did not converse with many people on that subject while these matters were pending, but when these loans passed, and the people were informed of the circumstances under which they were passed, there was universal opposition to them, as far as I heard the expression of opinion, or very general, I will not say universal; a very general opposition to them; the deliberate conclusion of most of the intelligent people is, that they were procured by bribery and corruption—the passage of this loan, I mean.

Question. Such charges are not confined to Alabama?

Answer. No, sir. But we never heard of anything of the kind here until since the war.

I have been in the legislature of the State a number of times, and I never heard of a question of bribing a member until since the war.

Question. You have heard of such charges in New York?

Answer. Yes, sir; I have.

By Mr. BLAIR:

Question. The charges are not confined to the State of New York?

Answer. No, sir. I suppose the thing has been somewhat contagious.

By the CHAIRMAN:

Question. Have your laws been generally well enforced since the war?

Answer. Well, sir, in some instances they have been pretty well enforced; in others, I think not.

Question. There is a general disposition, is there, to obey the laws, on the part of your people?

Answer. Yes, sir; so far as I am informed there is a general disposition to obey the laws. If you will pardon me for saying it, I do not know what may be the general condition now, but before the war there never was a better debt-paying or more orderly population in any State of this Union than Alabama. We have had trouble since, a good deal, but we think we could account for that in many respects.

Question. You made a reference in your written statement to the Ku-Klux organization. I understand you to say you know personally nothing of that organization or its purposes?

Answer. I never met a man or heard a man converse upon that subject who would admit that he had any sort of connection with it, and so far as I have been able to gather public sentiment, the people of this country, the great mass of them, were as much shocked at acts of that sort as they could be in any part of the country.

Question. Is it your belief that such an organization has existed in the State of Alabama?

Answer. I do not know what the organizations may have called themselves, but I believe that secret organizations have to some extent existed, and that they have committed very gross outrages. I refer to the case at Eutaw, of the killing of Mr. Boyd, and the case at Cross Plains and Patona. I have heard of those cases, committed by men in companies in disguise. I have heard of these cases in Choctaw, killing the man Abe in the night by persons disguised. I do not know what they called themselves, or what the object was.

Question. You have heard of the killing of this mail messenger?

Answer. Yes, sir. I do not know any act more universally regretted than that seemed to be, and, so far as I could find out, it was the act of an individual—that but one person was seen.

Question. You have heard of a great many acts of violence, all committed by men in disguise, in the night-time, on colored people?

Answer. I cannot say a great many; I have heard of some, and some of colored people committing outrages on white people; I cannot say a great many.

Question. You have heard several instances of this character in Choctaw County?

Answer. I have heard of persons in disguise doing some damage by burning at Judge Smith's, I think. I have heard of this case of Neibling's, and I have heard of the shooting of a judge of probate on the public road, whether by persons in disguise or not I do not know.

Question. Judge Smith is the judge of your circuit court?

Answer. Judge Luther R. Smith is.

Question. What property of his did you understand was destroyed?

Answer. I heard his mill was burned, and perhaps a part of his fence.

Question. You have heard of the case of Westbrook in this county?

Answer. I was absent at the North when that occurred, I think. I left about that time. Is that the case where Dr. Smith was shot at?

Question. No, sir; it is a different case; it is a case where a negro's house was entered, after night, by a band of men, and he was taken out and shot to pieces. That was at Jefferson.

Answer. I have not heard the particulars of that; I have been absent from the State since early in August, until a few weeks ago.

Question. Have you heard of any disorders in the county west of you—in Sumter County?

Answer. I have heard of the killing of this mail agent; I do not remember any other case in Sumter County; yes, there was an attack made, as I heard, upon the house of some white man there by persons in disguise at night, and a young man killed, of the attacking party. I heard of that case, and I heard recently of a negro being taken out of jail and hung, or killed, by some party; I do not know how that was; I did not hear the particulars.

Question. Have you heard of disturbances in Hale County?

Answer. Yes, sir; I heard of the difficulty that occurred there in the presence of Governor Smith and Ex-Senator Warner and Ex-Governor Parsons.

By Mr. BLAIR:

Question. That was in Greene County?

Answer. It was in Hale County; Greene is the county-seat. It was reported here that in the night-time there were some demonstrations made in Greensborough; some persons appeared there, but I heard of nobody being injured, and I heard no particulars about it.

By the CHAIRMAN:

Question. Do you know Dr. Blackford of that county?

Answer. Yes, sir.

Question. Did you ever hear of an attempt to assassinate him by men in disguise?

Answer. No, sir.

Question. Did you ever hear of the attempt, by men in disguise, upon the person of a school-teacher in this county, Mr. Neibling, at Major Glover's house?

Answer. Yes, sir; I have heard that case spoken of.

Question. Did you hear of him being taken out by men in disguise at night and severely whipped?

Answer. I heard he was taken out by men in the night-time and whipped, whether severely I do not know; I did not learn any particulars. I never knew or saw the young man. I have heard no particulars except that he was taken out and whipped by persons in disguise, and in the night-time; I do not know any of the particulars beyond that.

Question. The committee are charged by the resolution of Congress with inquiring into the question whether the laws are generally enforced, and whether life and property are safe in this and other States of the South. I desire you to state to the committee how many instances of homicide have been committed in the county of Marengo within the last two years?

Answer. I do not remember. This case now of Westbrook I had not heard of. I did not know that was his name. I heard there was a negro killed about Jefferson somewhere; but I do not remember to have heard his name.

Question. I do not limit my inquiry to colored people, but I include all rencontres between white men?

Answer. I do not remember; my impression has been that the people of this county had been unusually orderly. I do not remember any cases of homicide in this county within two years, excepting of the killing of this negro down here. I do not remember any other case; perhaps if you would mention any you have heard of it might refresh my memory; but I do not remember any other cases at this time. I have known nothing of the kind to occur about here, and I do not remember any cases in the county except that negro. I have heard of one case in Sumter County, some two or three years ago, across here. If there was any in this county, I do not remember. Have any cases been brought to your notice? Perhaps it would refresh my memory if you would mention them.

Question. I have not a list of them now, and I do not remember the names of the parties; but several cases have been mentioned to me.

Answer. It is very likely I have heard of cases, but I do not remember them now.

Question. So far as your information extends, what has seemed to be the principal purpose of this organization of men in disguise in inflicting violence?

Answer. Well, sir, I can form no very satisfactory opinion as to what has been the purpose of the organization; from the facts that I have generally heard in regard to individual cases, particular cases, I have concluded that there was some particular spite or malice on the part of somebody to the person injured, or that they had imagined that some offense had been committed by the person suffering.

Question. Would that lead to an organization embracing fifty or seventy-five men?

Answer. I do not know about it.

Question. Have you any idea that any mere private grievances would lead so large a number of men to unite to violate the law?

Answer. I think it a very unfortunate thing for the country, and everybody I know anything about is as much opposed to it as anybody elsewhere, but I cannot tell you; I do not know what has prompted these things; I regret that they have occurred; but I have generally supposed that evil-disposed and bad people have organized companies, or got companies together in that way, of bad and reckless men, to wreak vengeance upon other parties for some supposed offense, or some idea that they were dangerous to the community, or something of the sort, but as to particulars, I can give you none. I do not know what has caused such organizations; I think they are unfortunate and unnecessary.

Question. As a general thing, have they been inflicted upon the colored race?

Answer. There have been some outrages upon the colored race, but I do not know that I can say that as a general thing; there have been offenses against both sides.

Question. Wherever white men have been visited by these men in disguise, have they not almost uniformly been republicans?

Answer. I think, as far as I know, there has been a majority of them republicans; it is perhaps proper that I should explain myself by saying that there has been a good deal of ill-feeling between some republicans and the original settlers of this country—a good deal: there has been very little social intercourse between them; there has been some ill-feeling against persons who have been supposed to be unworthy of the positions they had attained here, and the idea was that they were endeavoring to plunder and oppress people. We have had instances of one person holding two or three offices at a time; that has been considered objectionable, and the impression of the people has been that their object is to make money out of the positions they have held, and make it upon almost any terms. As evidence of that, I understand that, in a number of the counties, in Wilcox County, in Perry County across here, in this county, certainly in three counties, the plan has been resorted to of buying out offices, by paying a high price for them.

Question. You have no knowledge on that subject?

Answer. None. I was about to tell you I had no personal knowledge, but I have such information as satisfies me it is true.

Question. What you say this morning in relation to this affair at Artesia you read in the democratic paper published in this place yesterday, the Exponent?

Answer. Yes, sir; yesterday I received that Mobile paper, giving an account of the proceedings of the coroner's jury.

Question. Is that also a democratic paper?

Answer. Yes, sir.

Question. Do the democratic papers generally publish as matter of news and general information all these outrages committed upon negroes, and upon odious or obnoxious republicans?

Answer. So far as I am informed, they notice all outrages through the country that take place: all offenses that I have heard of I have generally seen in newspapers, in newspapers generally on both sides. I saw them in the two papers you have mentioned yesterday. My attention was called to it from the fact that I feared in some meeting in this county, where I know we have reason to expect a good deal of imprudence, I feared just such a state of things as that might grow up; that is the trouble about it. It is believed many negroes are not disposed, I do not believe they are disposed, to bring about such a state of things; but they get messages—nobody knows who sends them—to go to public places with arms, and in a fist fight in such a crowd very serious occurrences might be involved.

Question. Have you known of a single penalty inflicted for any outrages committed by bands of disguised men upon negroes or white men; have you known a single case of conviction?

Answer. No, sir; not one. I believe the grand juries would punish them if they could get the evidence; and I believe the masses of the people would aid in doing it, and do anything in their power to put them down.

Question. You spoke of Boyd's, a very flagrant case, where a solicitor, in the discharge of his duty, in trying to discover who these disguised men were who had hung a negro, was assassinated?

Answer. Yes, sir.

Question. As is supposed, in the interest of the men who wanted to cover up their offense, and prevent a prosecution?

Answer. The only information I received gives it that appearance. I think it was a gross, lawless outrage. I should be gratified to see the guilty parties punished.

Question. Has any prosecution ever been instituted against them?

Answer. None that I heard of. I suppose they want the proof.

Question. Do you think there would have been any practical difficulty in discovering who these men were who committed these various outrages, if there was a united, earnest effort on the part of the leading influential men of the community to find out the truth?

Answer. Yes, sir; I think, from what I have heard about it—from descriptions I have received—I think it would be an exceedingly difficult matter to get the proof. I do not know how it could be got. The immunity of our laws relieves any man from testifying where his testimony would involve himself, and I do not know any means of getting the information; and from the opinion I have of the people of Greene County, I think if they could get the testimony they would find true bills against the parties, and try and punish them.

Question. If I understand you correctly, you have no distinct idea yourself what the purposes of this organization called the Ku-Klux are, if such an organization exists?

Answer. I have no distinct idea as to what their purposes are.

Question. But is it your information that, as a general thing, in the infliction of

their outrages, they do discriminate, and inflict them upon colored and white republicans?

Answer. Well, there have been offenses of that sort, but I do not know any reason that would induce me to say that they would not commit similar offenses upon democrats, if they had imaginary ground for it, if they supposed they had grounds for it.

Question. Is there not, in your knowledge, a very great intolerance in this community—Marengo County—against men who profess the republican faith, and advocate it, and give expression to their sentiments at the polls?

Answer. No, sir; I do not think the public feeling of this country goes that far. I believe any member of the republican party who deports himself properly would be as welcome in this country as a democrat. Of course, we are anxious for immigrants to come to the country; we have many northern men among us, who are just as well received and as much favored as men who have lived here always; and every gentleman who comes here with a view of interfering, as has been done heretofore—I do not care to specify cases—but every gentleman who comes here from the North, or any part of the world, with proper objects, willing to take his chances among the people of the country, would be as welcome as any man from any county in this State.

Question. Suppose he is an ardent republican, bold and fearless in the assertion of his opinion, and tries to influence by fair means political results, is he not socially ostracised for that cause?

Answer. Not so far as I am informed. I know republicans in this State who hold office that are respected. My idea is that the people of this country have respect for every honest, upright man, every gentleman who may come here, and that they would not discriminate unless they found persons coming here so acting as to bring about a state of ill-feeling between the white and black races. That has been done we know perfectly well, and my judgment is that the settlers of the country have acted with great forbearance toward men who have been endeavoring to stir up strife among us. That is my deliberate opinion.

Question. What is the character of the feeling entertained toward a native southerner who embraces the faith of the republican party and seeks to promote the success of that party at the polls?

Answer. Of course, politically, the feeling is not very kind; but there are republicans in this State, persons who belong to that side in politics, who would command respect everywhere in the country where they are well known; but if we have a native among us who engages in the business of interfering with the labor of the country, endeavoring to poison the minds of the negroes against the white settlers of the country, we abhor him a great deal more than we do a genuine "carpet-bagger" who comes here to make what he can; we think he has no excuse for his course.

Question. You have spoken of Mr. William B. Jones?

Answer. Yes, sir.

Question. He is a native of Marengo County?

Answer. Yes, sir.

Question. Honorably connected?

Answer. Yes, sir; his father is a respectable man, and he has three brothers in this town as worthy men as we have in it.

Question. Mr. Jones himself fought in the confederate army, did he not?

Answer. Not much to hurt, I think. He was in the first battle of Manassas, but I do not think he did you any harm afterward.

Question. He was afterward honored by the confidence of this county and elected State senator, was he not?

Answer. He was elected State senator by the vote of the black people, by, in my opinion, taking such steps as were calculated to mislead them. I understand he was a member of the Loyal Leagues here; and, if my information is correct as to what occurred in these Leagues, representations were made there that he ought to have known were false, and he ought to have repelled them.

Question. This is all hearsay on your part?

Answer. Yes, sir; but I want to tell you one fact further. Negroes in that League, as I understand it—and I believe it, because I have had it from two negro men who were on my property while slaves, and I believe are my friends now—told me they were sworn in that League to vote the radical ticket, and could not vote any other if they desired it.

Question. Do you believe that to be true?

Answer. I can believe almost anything about a League.

Question. Did you not know of some of the members of the democratic party here in this county joined Union Leagues, for the purpose of ascertaining their secrets, and taking the requisite oath?

Answer. I have heard so.

Question. Men in good standing?

Answer. I have heard so; that they became disgusted with it, and withdrew.

Question. That gentlemen have joined for the mere purpose of acting as spies and finding out the constitution and purpose?

Answer. I have heard it reported that men have gone into the Leagues with a view of seeing whether any mischief was intended to the white people of the country. I have heard it, and think it likely to be true. I think, after some of them got there, they saw that that was the surest road to office, and remained there.

Question. Mr. Jones was at one time a prominent member of the democratic party here, was he not?

Answer. I do not know exactly what you mean by prominent; Mr. Jones was an active member.

Question. Was he a candidate for district elector in 1868?

Answer. Not on the democratic side.

Question. Did he not advocate the democratic ticket that year?

Answer. He did most ardently and earnestly, and most imprudently, according to my judgment. I have heard him advocating the democratic side; I have heard him make violent speeches on that side.

Question. Was he a good deal petted and praised for it?

Answer. Not so far as I know. I never believed he was an accession to the democratic party.

Question. Were his meetings largely attended?

Answer. Yes, sir; he was in meetings largely attended.

Question. His sentiments were approbated?

Answer. I do not know what the general approbation might have been, they were not exactly approvable by me. I looked upon him as a wild, scattering, imprudent sort of a man, with very little judgment, and calculated to do a cause more harm than good. I think the radicals themselves will say that, and I say that as a democrat.

Question. Was not he elected mayor of this town before the negroes could vote at all?

Answer. Yes, sir.

Question. Twice?

Answer. Yes, sir; but not by the white vote generally.

Question. Was it not before the negroes were allowed to vote?

Answer. I do not remember as to that; he was mayor of the town. I do not remember whether it was before or afterward.

Question. Is not the feeling which exists against Mr. Jones created in a great measure by the fact that he is a native southern man and that he has joined the radical party; that he has severed himself from the great mass of the white party here in the South?

Answer. In my judgment the feeling created against him is because he has joined the radical party, and resorted to means to secure his election to office that were unworthy of anybody seeking office, in my opinion. That is the reason; and I will mention that I have been told within the last few days—now I have exerted what little influence I have had to keep down feeling between the whites and blacks—but I have been told within a few days that messages have gone to them, said to have been from him, inviting them to attend public meetings with arms. I look upon that as highly imprudent.

Question. Coming back to this Ku-Klux organization, is there anything in the condition of affairs, any lack of the enforcement of the laws, which ever, in your opinion, justified such organization?

Answer. No; I think not. I think such an organization illegal and improper, and very unfortunate for the country.

Question. And never demanded by any want of society?

Answer. I do not know any state of society here that demanded any such thing. I will state that sometimes sudden offenses have been committed—you are aware of what has occasionally happened in the country—that were enough to excite the passions of almost anybody, and it takes a very prudent man to keep cool under such circumstances.

Question. In criminal cases, where misdemeanors and crimes are committed, there has been no complaint but what the laws are enforced?

Answer. There has been some complaint. We have had some inefficient prosecuting officers, not qualified to enforce the criminal laws, and in that way many criminals have got off, and in other instances I have heard of a habit solicitors have of compromising by allowing parties to pay and get off. I do not think it is a general thing; I think in some places there are good prosecuting officers; but as a general thing they are not efficient, and not the sort to uphold and enforce the laws of the country. My own judgment is, that if the disabilities of the people were removed generally, and the people could have the opportunity of putting in office men they have confidence in, men they would prefer, if they had the opportunity, the criminal laws of the country would be better enforced than now. Our judges have been unknown to the people, and some of them have incurred the prejudices of the people, and where that

is the case it is not as easy a matter to administer the laws as where they have confidence in the judge, and respect for his character and standing.

Question. You have spoken of the murder of Abe Lyon?

Answer. Yes, sir.

Question. And that he was a pretty good colored man?

Answer. Yes, sir.

Question. Did you ever hear it said that he had accumulated a considerable sum of money?

Answer. No, sir; I never heard that, and I doubt if that could be true; his wife has frequently made visits, since he has lived in the country below this, at my house, and has very often asked me for aid when she was going to return; and if he had accumulated any, she would not have done that.

Question. Do you not think the suspicion that he had money led to his assassination?

Answer. No, sir; I do not think anybody had that suspicion; he was not a very economical man, and I do not think he laid up anything; the negroes here are all poor, nearly, and the white people not very far behind them.

By Mr. BUCKLEY:

Question. When was the law passed permitting the State to indorse railroad bonds?

Answer. It was passed I think about 1867 or 1868, the first law; that law, I believe, was passed by a democratic legislature, and authorized aid to railroads by the indorsement of bonds to the extent of $12,000 a mile.

Question. There was a large indorsement for bridges, was there not, in that bill?

Answer. Yes, sir; that act contains a provision in regard to indorsement for bridges; I do not remember its precise terms.

Question. That bill, then, had democratic parentage?

Answer. I think so.

Question. I think you used the words, that Mr. Hardy, of Selma, was proven guilty of receiving bribes in the passage of the Stanton and other bills?

Answer. Yes, sir; I was not at Montgomery, but read the proceedings of the committee appointed to investigate that subject. My recollection is that it was proved before that committee that Mr. Hardy received bribes. Mr. Gilmore, it is stated, paid him the money; I suppose you are familiar with the facts.

Question. No, sir; I know nothing about that.

Answer. I mean with the testimony; the committee reported that they first understood that Mr. Hardy was to have $25,000, and that Mr. Gilmore—in the first instance it was testified that Mr. Hardy was to have received twenty-five thousand, according to my recollection of the testimony—that Mr. Gilmore went to a banker in Montgomery and borrowed ten thousand, and said he had previously raised twenty-five thousand; he said Hardy had come back on him for ten thousand more, and he had to pay thirty-five thousand; that is the substance of the testimony, according to my recollection.

Question. Have you not in this State very stringent laws against receiving bribes?

Answer. Yes, sir; we have.

Question. Is not the law very severe against any one who shall offer a member of the legislature a bribe?

Answer. Yes, sir; severe against any one who offers a bribe or receives a bribe.

Question. What, then, do you think is the trouble in taking legal action against Mr. Hardy; why has not legal action been commenced against him?

Answer. I am utterly unable to inform you. I have never heard anybody say why criminal prosecutions have not been instituted. I have always believed it ought to have been done.

Question. Have you ever seen a card of Mr. Hardy in the papers denying emphatically that he ever received a cent?

Answer. I never saw that card; I heard of it; but I believe the testimony as taken and reported by the committee.

By Mr. BLAIR:

Question. You were speaking of the capture of cotton, immediately after the surrender, by agents and officers of the General Government sent down here for that purpose?

Answer. Yes, sir.

Question. I will ask you if that was a universal thing, to capture cotton belonging to the people of this State at that time?

Answer. Yes, sir; it was universal. We had numerous agents in the country taking every bale of cotton they could lay their hands on; I have heard of cases—I have no knowledge of it myself—of wagons going to the plantations in the night-time and taking off even the seed-cotton; but I do not vouch for that; I only heard it as I report.

Question. Do you know, from the history of the time, that this business of capturing cotton by officers and agents of the Government was universal in this State, as well as in the adjoining States?

Answer. Yes, sir; it was said to be the case everywhere in the cotton States; that is, it was so reported.

Question. Is it your belief that a tithe of the cotton thus taken was ever given over to the Government of the United States?

Answer. My belief is, so far as I observed these things, and so far as my information extends, that not one-tenth of it ever went into the Treasury of the United States; perhaps not that much; the cotton was taken and sold by agents of the Government in this town. I know one case, where cotton was seized of a widow lady; her husband, in his life-time, had sold it to the Confederate States, but at the time the order became known—it was suppressed here for months in my opinion, but I cannot swear to it, for I never have seen the order; do not know the date of it, but I am satisfied from circumstances it was made at Washington, and perhaps was supposed to have been made public here weeks before it was really made public. The case I refer to was Mrs. Perrin, of Greene County. I was her counsel. I advised her son to deliver the cotton, and claim one-fourth of it under this order. I had heard of the order. It was hauled to the warehouse in this town, about fifty bales, and her son went to the clerk of the cotton agent, and told him he understood his mother was entitled to one-fourth; he said, yes, he should have that; he said he would surrender the cotton, and it was hauled here and all shipped off, and when she applied for it, the principal clerk informed her that this clerk had no authority to make any such statement, and she never got a bale of it.

Question. The agents and officers of the Government, then, in your opinion, converted to their own use nine-tenths of all the cotton thus captured?

Answer. From information, that is my belief. I can state that a young man of twenty-one or twenty-two was sent there as cotton-agent, and for about four weeks' services got four hundred bales of cotton, and took the cotton of Mr. Collins, which I sued for afterward; he received that cotton for his own wages; he claimed one-fourth for his services. I went to a professional friend in Mobile and endeavored to stop it, and it was shipped out of the country; it was of fine quality, and he took that four hundred bales for four weeks' services, and that would have sold then for $80,000, I suppose.

Question. You have mentioned the cases of certain individuals.—I think Mr. Collins was one—in which cotton had not been sold by the owner to the confederate government?

Answer. Yes, sir.

Question. And in which there was no ground of forfeiture to the Government of the United States?

Answer. Yes, sir. In the case of Dr. Sledge's estate there was not the slightest legal ground. I think the fact was, that a son of his, without any authority at all, and without having proved his father's will, had claimed the right to take possession of two hundred and seventy-five bales of cotton and sell it, but when my attention was called to it as their counsel, I procured the will, got evidence of the fact from the records of the court that it had never been proved, and nobody was authorized to represent the estate, and filed a claim for the cotton, and the agent at Mobile refused to decide it one way or the other. I begged him to just reject it, and let me send it to Washington; he refused to do anything; finally, they got fifty bales, I believe.

Question. Was the cotton seized as in the case of Collins, and the person you have just named—was cotton seized universally in this State under similar circumstances?

Answer. Yes, sir; a great deal of cotton was seized wherever there was a pretense that it was sold to the Confederate States, there were one or two instances where the Army was made to exercise the power of confiscation under General Canby's order. A widow lady, about ten miles below here, had thirty bales under a gin-house, never sold to the Confederate States at all, but that lady had sold and delivered a small amount of cotton to the agent of the Confederate States; this cotton agent sent a file of soldiers and wagons down to seize her cotton. I appealed to the commanding general; her neighbors came and showed the facts, that the confederate government never had the pretense of a claim, and finally induced the cotton agent to give it up, but it was with great difficulty she got it back; he claimed to exercise the power to do that, admitting that it had not been sold to the confederate government, because somebody had stolen some cotton she had previously sold to the confederate government. That state of things existed here. After the troubles commenced, and cotton was being seized constantly, I was appealed to by clients to interpose. I did so; wrote opinions, and issued several writs, but that did not amount to anything; finally they threatened to arrest me. I was informed on good authority that a telegram was sent to Washington, advising that I should be arrested, because, by giving the opinions I had here, the Government was prevented from getting possession of the cotton. I went to the general and told him I had heard of this telegram; if he desired to arrest me, he had nothing to do but to send me a message and I would report, and I laid before him two opinions I had written; he was a lawyer himself. I asked him to read them and tell me whether I was doing wrong. I did not want to put myself in the power of the military, for they were hard to get along with; he read the opinions, and told me he concurred with me. The ground I took was, that the sale to the confederate government had not been completed by the delivery of the cotton; that was one ground. Another was, that as there had been a final surrender, the war was at an end,

and the Government had no right to capture cotton at that time, and make it lawful prize; in that I was sustained by the chief justice in the case he decided at Charleston, but it did not have any effect. The general said he would notify me if he had to arrest me. I continued to attend to these cases. Where I thought the claimants were entitled to the cotton, I did the best I could, and filed protests against the seizure of a vast quantity of it; and I have all those protests on hand now. I sent two cases to Washington, to the President, of Union men; he refused to settle them.

Question. How much cotton do you think was taken from the people of this State by similiar proceedings?

Answer. It would be difficult for me to answer that question; there was an immense quantity taken everywhere, all over the country, but I cannot tell you how much. In every county and neighborhood there were troubles about it, but nobody could resist military power; they would take it and send it off. Persons tried to plunder the Government. People would have been better reconciled to it if they could have been sure that the proceeds of this cotton would have gone to the Treasury of the United States, but seeing the disposition to plunder everywhere, they resisted in ever way they could, and finally this habit grew up of stealing cotton on both sides. There were persons here who engaged in that business, because they thought the United States Government had no claim to it; and the persons with the Army engaged in it, many of them, and made a great deal of money by it.

By the CHAIRMAN:

Question. Was not a great deal of cotton burned in this State from apprehension that it would fall into the hands of the United States?

Answer. No, sir; I do not know a bale burned in this part of the country. There was a military order directing it to be burned, to keep it from being captured, while the war was going on, but persons commenced scattering their cotton then. I had a good deal of my cotton here; I took a good deal back to my plantation and stored it in the neighborhood in various places; scattered it about. I did not intend to burn it, unless compelled to, and I did not know a bale burned here, although the people believed it would be destroyed if the enemy approached this part of the country.

By Mr. BLAIR:

Question. This cotton, accumulated among the people, was almost the only wealth that was left to you at that time?

Answer. Yes, sir; the people of this country had lost almost all their provisions, almost all their stock; they had lost their slaves, of course, entirely, and they had nothing left but the lands and a few horses and mules, and they of inferior character; they had almost nothing. Some men of influence, who could resist the attempts to take it, preserved the cotton they had, and then, before they could move a bale of it, they had to pay three cents a pound tax on it here. They considered that law a great hardship, (of course it is not for me to say)—that the productions of the soil elsewhere not being taxed, that that was unconstitutional.

By the CHAIRMAN:

Question. As a general thing, had not the planters sold their cotton to the confederate government?

Answer. Many had, generally they had; but many had not, and many lost cotton who had not sold it. I was the agent of the confederate government here for receiving subscriptions; I knew who had subscribed the cotton originally, and who had sold the cotton, and, from my information, many lost cotton here who had not subscribed or sold a bale to the confederacy.

Question. What was about the amount of the subscription of cotton, in this State, according to your memory now?

Answer. I cannot tell you. I recollect some ten thousand bales were subscribed or agreed to be sold to the confederate government in Marengo County; how much in the State I do not remember; but I recollect that while at Richmond, a member of the confederate government, and chairman of the committee of ways and means of that body, I had occasion to investigate that subject and ascertain what amount of cotton was on hand in different parts of the country, at that time, and I think it was some one hundred and fifty thousand or one hundred and sixty thousand bales; but it was scattered through ten States.

By the CHAIRMAN:

Question. I wish to ask you an additional question in relation to the case of Abe Lyon. Your information from Eliza Lyon, his widow, is, that there was some seventy-five or a hundred men assembled there?

Answer. I think she said about seventy-five.

Question. Assuming that that is true, I desire to inquire of you where would be the practical difficulty in discovering and bringing to justice the men, or a part of the men, who were concerned in his murder?

Answer. Well, sir, I do not suppose there ought to be any practical difficulty in detecting some of them, if they were from that neighborhood. I, however, had a conversation with Judge Luther R. Smith, who is a very intelligent man, upon the subject of the outrage committed at his house in his absence, and his impression was, from the circumstances, that it was not by anybody in his neighborhood at all; he thought the persons came from a distance.

Question. If they came on horseback, could they not be easily traced by the horses' tracks?

Answer. If an active pursuit was made, that might be the case; but men in the night-time, traveling ten or twenty-five miles, by scattering through the country, might escape detection. I have no idea what was done in the neighborhood. I have heard a number of white people collected after the murder of the boy, and there was anxiety to find out.

Question. It is believed, generally, that the persons concerned in these depredations are young men?

Answer. I am not informed as to that. I suppose that may be the case.

Question. Whether young or old, they were all, of course, members of families, or in the employment of people. Where should be the difficulty, then, in ascertaining whether the persons suspected were from home on that night, and, if so, where they were gone?

Answer. That information might have been obtained by inquiring whether persons were from home or not; but I do not know whether that would have led to the detection of any one of them, because men disposed to engage in an outrage of that sort would be very apt to take some pains to conceal it.

Question. Is it not true, as a general rule, that the larger the number of those concerned in a criminal enterprise of that kind, the greater the facility of detection?

Answer. Yes, sir; I think the facility would be increased by the larger number, if active efforts were made. If those men, however, came, as Judge Smith supposes in his case, from a long distance, it might be a difficult matter.

Question. If Abe Lyon had been a prominent white citizen of the community, have you any doubt that his murderers could have been discovered in forty-eight hours by diligent effort?

Answer. I do not know, sir; I cannot tell what plan these people resort to. Men who will do things of that sort, do them in the night-time, and it is a difficult matter to discover them. I think likely, if it had been a prominent citizen, there might have been more activity; but I cannot tell.

At a later hour on the same day, October 27—

Mr. BLAIR. I desire that our record shall show the testimony given by Mr. Francis S. Lyon, yesterday, as taken down by our reporter, as well as the manuscript he has read this morning. I think it is all testimony. It has all been given under oath, and should go into the record.

The CHAIRMAN. That would be a mere duplication of the record of evidence. It was the understanding of the committee, and the request of the witness, that the manuscript he produced should be substituted as the record of his testimony of yesterday. I did not cross-examine him upon various matters mentioned in the statement yesterday, because they did not appear in his manuscript as read this morning.

Mr. BLAIR. He can be recalled and cross-examined on those matters now. To omit his statement made yesterday, will be a suppression of material evidence. A similar course to that I ask was taken in the case of Judge John A. Minnis, who was allowed, after long preparation, to produce a manuscript, which was inserted against my protest.

The CHAIRMAN. Mr. Lyon was examined at length yesterday by the minority, at whose instance he was called. Upon the meeting of the committee this morning, he announced that he had reduced the substance of his testimony of yesterday to writing himself, and he requested that this manuscript be substituted for the record made in the usual way by our reporter, inasmuch as he, the witness, had fallen into some mistakes yesterday. General Blair, representing the minority, heard that statement, and the majority, after some remark partly in the way of objection, received the manuscript produced by his witness, and granted his request. The witness was cross-examined upon the matter contained in his own report of his testimony and nothing else, and was then dismissed from the stand without any intimation from the minority that it was desired that the report made by the reporter of yesterday's testimony of Mr. Lyon should go upon the record. Those are the facts.

In the case of Judge Minnis, he re-appeared before the committee at Montgomery, and stated that he had not answered fully two questions propounded to him at Huntsville by Mr. Beck, representing the minority, and he desired to complete those answers, and had reduced his statement to writing. It was admitted, upon the ground that he had not completed his answers satisfactorily to himself; and opportunity was given then to the minority to cross-examine him upon those supplementary answers.

The decision is that the statement in manuscript of his testimony of yesterday, presented by Mr. Lyon this morning, shall go into the record with such further examination as took place this morning, and that, as requested by him, this manuscript shall be substituted for the reporter's record of the oral statement made yesterday, which will be omitted.

Mr. BLAIR. I except to the ruling, and shall appeal from this decision of the sub-committee to the general committee in Washington.

[The action of the general committee is shown by the following extract from the journal of the committee, p. 620:

"JOINT SELECT COMMITTEE.

"WASHINGTON, D. C., *December* 21, 1871.

"The joint select committee met pursuant to the call of the chairman. Present, the chairman, (Mr. Scott,) Messrs. Bayard, Blair, Cox, Poland, Pool, Pratt, Rice, Stevenson, Van Trump, and Waddell.

* * * * * * *

"Mr. Pratt, chairman of the sub-committee appointed to take testimony in the States of Tennessee, Alabama, and Mississippi, presented a report, from which it appeared that, during the investigation, Mr. Blair had filed exceptions to the ruling of the chairman in relation to the admission of certain testimony and the exclusion of other testimony, as follows:

"1st. At Demopolis, Alabama, on October 26, 1871, Francis J. Lyon was called by the minority, and examined in chief. On October 27 the witness was recalled, and submitted a written statement of his testimony of the day previous, which was more carefully worded. He desired the same to be substituted for the reported testimony. To this there was no objection made. Mr. Blair, however, viewing his oral evidence as more full and specific, moved that it also be preserved in the record. The motion was overruled, and the substitute prepared by the witness was ordered to be inserted in the record. Mr. Blair excepted, and appealed to the general committee.

"On the question, 'Will the joint committee sustain the ruling of the chairman of the sub-committee, (Mr. Pratt,) in excluding from the record the oral testimony of Mr. Lyon, and substituting his written statement?' the yeas and nays were required, and were as follows:

"YEAS—Messrs. Poland, Pool, Pratt, Rice, Stevenson, and Scott, (chairman)—6.

"NAYS—Messrs. Bayard, Blair, Cox, Van Trump, and Waddell—5.

"So the question was determined in the affirmative."]

DEMOPOLIS, ALABAMA, *October* 27, 1871.

STEPHEN B. DAVIS sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. At Shiloh.

Question. In what county?

Answer. Marengo County.

Question. How long have you lived in Marengo County?

Answer. I came here in 1867, sir.

Question. What has been your occupation?

Answer. Since I have been here, farmer.

Question. Have you lived at Shiloh during all this time?

Answer. No, sir; I lived at Bashi during 1867, and moved to Shiloh in 1868.

Question. Have you lived at Shiloh since 1868?

Answer. Yes, sir.

Question. What has been your politics since you have been in Marengo County

Answer. When I first came to Marengo County I was a democrat.

Question. Have you ever had occasion to change your politics?

Answer. Yes, sir.

Question. When did you change?

Answer. I changed in 1869.

Question. What was the cause?

Answer. I found no democracy here.

Question. What condition of things did you find here that induced you to change your politics?

Answer. There was a great deal of disorder in the country, and I took several papers

and saw that there were a great many outrages, &c., committed, and in fact I saw that there was no democracy in existence here, such as I was taught was democracy, and I told them I considered that they violated everything that I considered sacred in democracy; that I believed in the Constitution and its laws and all its parts, and I should join the republican party; that is what caused me to do so.

Question. Were you seeking any political position—any office?

Answer. No, sir; they wanted me to run for the legislature, in 1868, on the democratic ticket, and I declined, and told them I had just arrived here, and did not wish to occupy any office. I would sooner the people who were raised here would fill the offices. They thought, I suppose, that I, being a northern man, would perhaps run better, but I declined. In 1870 they wanted me to run for the legislature on the republican ticket. I also refused that.

Question. You have spoken of finding a lawless condition of things in this part of the country?

Answer. Only by report; I never saw any Ku-Klux or outrages that ever were acknowledged by a democratic paper, and I had every reason to believe that such things were in existence, not only through the press, through the pulpit, and the citizens generally; all said there was no such thing as that in existence; would never own anything of the kind, and I yet feel that there were such things in existence. I was treated very well while I was a democrat, but as soon as I upheld the laws and the Constitution, that is, became a republican, I made many enemies, and people who used to be my warmest friends do not speak to me now.

Question. You may state to the committee what reasons you had and have for believing that there was a secret organization known as the Ku-Klux.

Answer. Nothing but report; that is all; I know nothing of my own knowledge.

Question. From whom did these reports proceed?

Answer. The organs—the editors of newspapers. Well, men were found dead; they would be hanging, and under all circumstances; and they were people who I believe were Union men; that is what I considered; that they were for the laws and the Constitution.

Question. Did you hear of a great many instances of that kind where men had been killed?

Answer. I heard of a number. I could not remember them all now; I have them at home. Luke, and a great many about here, and in Greene, and some in this county; and also those going to teach a negro school here. They would take them out and whip them, and when a man accepts the laws and the Constitution, they call him a "nigger-loving son of a bitch," &c. There appeared to be a great deal of hostility toward him; there was toward me.

Question. Did you find there was a general spirit of intolerance on the part of the democratic party here against all, black and white, who professed republican principles and voted its principles at the polls?

Answer. No, sir; I could not say all. I do not think that they have any animosity against a man if he would go and merely vote himself, but I do not think it would be safe for a man to use any influence at all in regard to that. I think, as regards myself, if I had just voted the republican ticket, and said nothing, they would only have looked at me with scorn; but I do not think I would have had any apprehensions of danger.

Question. Do you think a man who would openly advocate republican principles, and seek to make proselytes, would be in danger?

Answer. I do.

Question. What reason have you for thinking so?

Answer. By what I know by report; that is all. For instance, here all through the campaign in 1870 political speech was almost denied.

Question. Do you know, or have you been reliably informed, that colored people keep away from the polls in certain precincts, from apprehensions that they will be punished or lose employment if they vote the republican ticket?

Answer. I have been told so.

Question. Do you believe it to be true?

Answer. I believe it.

Question. You say you have heard of a great many instances where men have been visited and punished by bands of disguised men. Have you known of any instance where people have been punished for this violence?

Answer. No, sir; I do not know any of them, only by report. I do not know anything of it by my own knowledge; but I have never known of one to be punished.

Question. Did you hear of the murder of Westbrook, at Jefferson—the colored man?

Answer. Yes, sir.

Question. Did you understand that he was murdered by men in disguise, at night?

Answer. No, sir; I only heard he was murdered. I do not know whether they were disguised or not.

Question. You understood he was murdered in the night-time by a band of men?

Answer. Yes, sir; I understood he was murdered by a band of men. I do not know whether they were disguised or not.

Question. Did you understand what the cause of his murder was?

Answer. I did not.

Question. How far do you live from Jefferson?

Answer. I am about thirty-two miles from here, in a southeast direction, and Jefferson lies off there, I suppose twenty-eight or twenty-nine miles. Expect it is about as far to Jefferson as it is here.

Question. Did his murder produce much talk or excitement?

Answer. No, sir; I did not hear it talked of any, except by a few. The people talked of it a little; but I did not hear much said about it.

Question. Have you ever heard of any effort made to discover who murdered Westbrook?

Answer. I have never heard of any.

Question. Did you hear of the whipping of the school-teacher at Major Glover's house?

Answer. Yes, sir.

Question. Was any one ever taken up and punished for that?

Answer. Not to my knowledge, sir. There was a teacher, Mr. Jack Riley, went down to engage a school, and when they told one of the school trustees they wanted to introduce him to him, he told him he "did not want to be introduced to any damned nigger-school-teaching son of a bitch," and he left it and came home.

Question. The school trustee said that?

Answer. Yes, sir; that is what he told me. I only know it by what he told me. He declined going there.

Question. It was a colored school he proposed going to teach?

Answer. Yes, sir.

Question. Was he a white man?

Answer. Yes, sir; raised in Shiloh. He is a man out of health, some.

Question. Are colored schools looked upon with favor in this part of the country?

Answer. By many they are, but by many they are not. He said that the other trustee told him that he could get the school if he was a mind to; but he would not advise him to do so, and he declined going there.

Question. Was he apprehensive of personal danger if he took the school?

Answer. He appeared to be. I suppose that was the reason he came away.

Question. Have you heard of any instances of colored schools being broken up and of colored school-houses being burned?

Answer. No, sir.

Question. Have you heard of any instance you have not mentioned where colored men or Union men have been whipped or otherwise outraged?

Answer. I could not name them. I have heard of some instances.

Question. For what causes were these whippings generally inflicted, so far as you know?

Answer. Being republican, I think, so far as I could learn.

Question. You say since you have changed your politics you have been slighted by the democrats?

Answer. Yes, sir.

Question. A great many of them do not recognize you any longer when they meet you?

Answer. Yes sir; they do not recognize me.

By Mr. BUCKLEY:

Question. Were you ever connected with the United States service, either the Army or Navy?

Answer. Yes sir; I was in the Navy; I was a master.

Question. You came here and purchased property, did you?

Answer. Yes, sir. I was in the Navy until the war closed, from the beginning of 1863, as a master.

Question. You settled here in this county?

Answer. Yes, sir.

Question. Purchased a plantation?

Answer. Yes, sir. I came to Mobile first; stopped there in 1865. I came to Mobile right at the close of the war. I think I came in June or July. I stopped there until 1867. In January, I came to Bashi, and stopped there during 1867, and in 1868 I came to Shiloh, and purchased seventeen hundred acres of land, and since that time I have been living there.

Question. You came here, then, with no view of going into politics?

Answer. O, no, sir; I never was any politician.

Question. You have refused, several times, to accept of office?

Answer. I have, sir.

Question. And yet, because you are a republican, you find this proscription wherever you go?

Answer. Yes, sir; since 1869 I find it this way. In 1870, last fall, they wanted me to run for the legislature, and I declined; and this fall they wanted me to run for tax-collector, and I accepted, and probably that has made a great many more enemies than I would have had; but I do not know; there is not much difference from what it was before.

Question. Do you feel, in your section of country, any apprehensions for your own personal safety?

Answer. I do.

Question. From what cause?

Answer. Well; it is because I am a republican, and running for tax-collector.

Question. You have felt it more since then than before?

Answer. I have had my coffin marked out and sent to me. I have it in my house now.

Question. On a letter?

Answer. Yes, sir; inclosed.

Question. What was the contents of that letter?

Answer. Well; a skull-bone on each side, and then marked out a coffin; and then on it, "Caution; the contents of this is poison." I think those are the words.

Question. Was that all?

Answer. Yes, sir.

Question. By whom was it signed?

Answer. It was not signed, sir.

Question. Have you reason to believe it was put there by some one who knows you?

Answer. Yes, sir. I have traced the thing pretty close up.

Question. Such things have a tendency, do they not, to annoy you?

Answer. Yes, sir.

Question. And cause one to feel apprehensions?

Answer. Yes, sir; they of course cause a man to keep his eyes open. I do not like to be caught napping; but there are several men who have volunteered to be with me through the nights until this trouble is over. I have from four to twelve men in my house every night, for the purpose of watching over my personal safety.

Question. You feel that is necessary to resort to such means, do you?

Answer. I do; and still, I know, when I am testifying this, it makes it still hotter.

Question. Do you find it necessary to go armed for your own personal protection and safety?

Answer. Yes, sir. I have applied to the judge of probate for the privilege of carrying arms, but have not received any answer from him.

Question. Do you know of any instance, in your part of the country, where freedom of speech has been denied?

Answer. There was a man stopped speaking on account of a row. I do not know whether his speech was finished or not; I cannot say. The gentleman can state that himself.

Question. Was it under threatening circumstances that he stopped?

Answer. Yes, sir; it was rather threatening, I think.

Question. He stopped to avoid trouble and difficulty?

Answer. I thought so; he can tell more about that than I could.

By Mr. BLAIR:

Question. Who was that man?

Answer. Mr. Jones. He spoke at Shiloh. I was there, and listened to his speech; he was very much annoyed.

By the CHAIRMAN:

Question. Do you refer to his speech at Shiloh?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. When was that?

Answer. In 1870.

Question. Did you hear it?

Answer. Yes, sir.

Question. Did you hear anything in the speech inappropriate?

Answer. No, sir.

Question. Anything inflammatory about it?

Answer. No, sir.

Question. Or calculated to excite a difficulty?

Answer. No, sir.

By Mr. BLAIR:

Question. Did you say in 1870?

Answer. Yes, sir; during the State election.

By Mr. BUCKLEY:

Question. Have you heard of any colored people being whipped, or otherwise outraged, in your part of the country?

Answer. No, sir.

Question. Do the colored people down there vote with freedom and without intimidation?

Answer. They tell me not. This is what they tell me; they say: "You know there are none of us but what are republicans, but we cannot vote that ticket; sometimes we stay at home; sometimes we go out and vote the democratic ticket, but we stay at home if we can."

Question. You understand that they stay at home through fear?

Answer. Yes, sir.

Question. And if they vote the democratic ticket, they do it through compulsion?

Answer. Yes, sir; they have no desire to vote it. A man may employ hands, and he takes them out and votes them on that ticket; they say they do not want to vote, and yet do so.

Question. Have you heard of men being turned off for voting the republican ticket?

Answer. No, sir; I do not know that I have.

By Mr. BLAIR:

Question. You say they sent you your coffin?

Answer. They sent me the marks of it.

Question. The republican office-holders in this State usually get something besides coffins out of their offices, do they not?

Answer. I do not understand you, sir.

Question. Have you ever heard of any man being killed because he was a republican office-holder?

Answer. I have.

Question. Who?

Answer. Mail agents. A mail agent through here was killed.

Question. Was he killed because he was an office-holder?

Answer. I cannot say that. He was a republican office-holder, and was killed.

Question. There are a great many republican office-holders in this State, are there not?

Answer. No, sir; I think not, here; but in the State, I do not know; I do not know much about politics. All I know is about our county, here; there are none here now that hold an office at all, in this county; there have been.

Question. Except Mr. Jones?

Answer. Yes, sir; Mr. Jones has been senator.

Question. None of them were killed?

Answer. No, sir; but they had "posters." Mr. Mattingly, county school superintendent, and Mr. Burton, who was printer here, told me they could not live, and had to get out of here; that is only report, not my own knowledge. He advertised the warning he had.

Question. That is just exactly the case I wanted you to speak of. Instead of getting a coffin, did he not get a very good competency, wherewithal to live upon, out of his office?

Answer. Mr. Burton—I think he did.

Question. Enough to make himself very comfortable in life?

Answer. I suppose he did.

Question. That has been the usual fate of the republican office-holders in this State—that they have got a good competency out of their offices?

Answer. I do not know; but Mr. Burton was a printer; I do not know how much his salary was. Mr. Mattingly was county school superintendent. I suppose his office paid him, or he would not have wanted it; he was down to see me before he went away, and he said he was going to give it up; that it would not do for him to live there; that there were posters stuck up about him, and he must go away.

Question. Was he denounced by Jones?

Answer. Not that I know of.

Question. You did not hear of Jones denouncing Burton, and all these men?

Answer. No, sir.

By Mr. BUCKLEY:

Question. Do these men who stay with you at night, go there through the fear or apprehension that your house may be opened at night, and yourself outraged or injured?

Answer. They think I will; they have heard I will be taken out to a limb.

Question. These words mean that you will be taken out and hanged?

Answer. Those are the words; you can draw the inference. They say they do not think it will last any longer than this county election is going on, and they say they will stay with me until that is over.

Question. You have resorted to these methods to protect yourself until the election is over?

Answer. Yes, sir; I sent for them.

DEMOPOLIS, ALABAMA, *October* 27, 1871.

WILLIAM H. ENGLISH sworn and examined.

The CHAIRMAN. This witness having been called by the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. What is your occupation?

Answer. Conductor on the Selma and Meridian Railroad.

Question. How long have you been conductor on that road?

Answer. For ten years.

Question. Were you conductor on the train on which a negro man by the name of Diggs, a route agent, was killed?

Answer. Yes, sir; it was my train; he had been running with me about twelve months. York station used to be the terminus of our road.

Question. How long had Diggs been running with you?

Answer. Twelve months, as near as I can recollect, as route agent.

Question. State all the circumstances.

Answer. At York station I turned the train over to the conductor on the Alabama and Chattanooga Road; he was killed at Kewaunee wood-yard, on the Alabama and Chattanooga road, after I got through with the train. I went out at night. I got to York at 9 o'clock at night. I turned the train over to the other conductor, and brought it back the next morning with the negro dead on it. About a month previous to his death he was going down to Selma, and the train I was to meet at the junction, fourteen miles this side of Selma, ran off the track; he went back and left his mail-car; and one of my train hands, named Bob Eustick, was in there, and had got into a difficulty with a negro on the train, and this man Diggs had a good deal to say about it to another man, a policeman at Selma. On arriving at Selma, two or three of them—Diggs and the policeman—made up together to prosecute this young man for the difficulty he had had; and he told me the next day, going out, that he intended to kill the negro Diggs.

By the CHAIRMAN:

Question. Who told you this?

Answer. This young man Eustick, the train hand I had with me. I discharged him after I got to Selma, that same trip; going out, he told me he intended to kill this negro. About a month after that the negro was killed, and about three days after that I met Eustick, and he told me he had killed him.

Question. What was the young man's name?

Answer. Robert Eustick. I reported the thing to the post-office department in Selma, and also to our receiver and superintendent of the road, Mr. Hardy and Mr. Mills, and none of them took part in it; the man that killed him staid over at Cuba station a month after the deed was done, and I had reported it to the post-office department and the United States deputy marshal. The man staid there until he got ready to leave, and then went to Texas; he is there now.

By Mr. BLAIR:

Question. What was the nature of the personal difficulty Diggs had with Eustick?

Answer. None at all; only he took the part of a negro Eustick had a difficulty with, and had talked of prosecuting him.

Question. What was the difficulty with Eustick?

Answer. Some negro had a difficulty with Eustick, and insulted him, and Eustick struck him over the head with a pistol.

Question. Was Eustick employed on the train?

Answer. Yes, sir.

Question. In what capacity?

Answer. He had been employed for years; he was a brakesman.

Question. Did he tell you that any other person was connected with him in the killing of Diggs?

Answer. No, sir; he told me he intended to kill him; and three days after he had killed him, he told me he had done it; and he also told Mr. Anderson, a conductor on the road, running now, that he intended to do it, and had done it.

Question. You reported this fact immediately?

Answer. Yes, sir, the next day. I was over at York when he told me; the next day I reported it to the authorities in Selma.

Question. Who is Hardy, to whom you made the report?

Answer. General Hardy, senator of Dallas County.

Question. Has he any employment under the Government of the United States?

Answer. He used to be marshal.

Question. Was he marshal at that time?

Answer. No, sir.

Question. Did you report the facts to the marshal?

Answer. Yes, sir.

Question. What is his name?

Answer. Corcoran.

Question. You transmitted a report to the department?

Answer. Yes, sir; there was a commissioner in Selma at the time; I forget his name; I reported to the postmaster and the commissioner.

Question. They took no steps to arrest him?

Answer. No, sir; none in the world. The man staid at Cuba a month after he committed the deed.

Question. Shortly after this occurrence, a one-legged man was appointed, named Coleman?

Answer. Yes, sir.

Question. Do you recollect to have told him that, from information you had in regard to the Ku-Klux Klan in the neighborhood of where Diggs was killed, he had better resign and leave the road, or else he would be killed?

Answer. No, sir. Coleman came to me and told me what he had been told, and asked my advice, and I told him if it was me, in place of him, I would leave.

Question. What did he tell you?

Answer. He told me his life had been threatened, and the last time he said somebody had told him to leave one of his shoe-strings with him, and if he came back any more they would kill him. He asked my advice then, and I told him I should not go back any more if I was him.

Question. Did you pretend to speak from any knowledge of your own of danger to him?

Answer. No, sir; I did not have any at all—no knowledge at all.

Question. You spoke only from what he told you?

Answer. Yes, sir.

Question. Did he tell you he had seen any Ku-Klux?

Answer. Yes, sir; he told me he had seen them twice.

Question. How many?

Answer. One only.

Question. Only one man?

Answer. Only one.

Question. Had this man Eustick left at that time?

Answer. Yes, sir.

Question. He had run away?

Answer. Yes, sir.

Question. Did Coleman tell you that a disguised man had come into his car?

Answer. Yes, sir; he told me a disguised man had come into his car with a repeater in his hand.

Question. Did he ever receive any injury while he was on the train?

Answer. None in the world.

Question. He left simply on account of threats?

Answer. Yes, sir.

Question. Did he tell you this single man threatened him?

Answer. No, sir; he did not threaten him at that time; but after that he told me he had received, two or three different times, threats that if he came back they would use him pretty bad.

Question. Did the men tell him this themselves, or write him?

Answer. They left word with the watchman of York station, whose name was Curran.

Question. Did you talk to Curran about it?

Answer. Yes, sir. Curran told me they spoke to him about it, and he did not say whether they were disguised or not. He told me they told him, one time, for him not to come back any more; they left that word; but that was on account of his sleeping with a negro girl where he was teaching school—sleeping with a negro girl in a room next to his wife—keeping a negro girl there to assist him in teaching the school.

Question. The threat was made on that account?

Answer. Yes, sir.

Question. Did the watchman tell you that was the reason of the threat?

Answer. Yes, sir; the watchman told me that was the cause of it at that time—his conduct in that way.

Question. That the man who had made the threat had so informed him?

Answer. Yes, sir.

Question. Was that a fact—that he was sleeping with this negro wench in the room next to his wife?

Answer. I have been told by a good many it was so.

Question. Here in this town?

Answer. Well, along the road. I do not know whether they were in this town or not.

Question. Was it in this town he was guilty of that?

Answer. Yes, sir; he stood very low here in town. I have been knowing the man ever since I have been on the road—ten years; he was very low down.

Question. Have you a mail-agent on your road now?

Answer. Yes, sir.

Question. What is his name?

Answer. We have two; we have a young man named Brown, and one named Harris.

Question. Have they ever been molested?

Answer. No, sir; never been a word said to them.

Question. Are they republicans?

Answer. I cannot tell you whether they are or not.

Question. Did you ever hear of them—how they received their appointments?

Answer. No, sir; we have a third one on the road—I do not know his name; he received his appointment from Mr. Hays, or through Mr. Hays; he has never had any trouble at all.

Question. Are they negroes, or white men?

Answer. White men.

Question. All of them?

Answer. Yes, sir; men that have conducted themselves well on the road, and men on the road feel well toward them.

Question. Have you ever heard either of those men express any apprehension of danger?

Answer. No, sir.

Question. Ever heard them say whether they had received any threats or not?

Answer. Not in the world.

Question. Do you consider them in danger?

Answer. I do not.

Question. Did you consider Coleman in danger?

Answer. No, sir; I did not know anything about it, only what he told me. I do not think, though, myself, that he had any cause to leave, and I do not think anybody in the world would hurt a one-legged or one-armed man.

Question. Therefore your advice was grounded entirely on what he said as to the threats that had been made?

Answer. Yes, sir; I had never met a disguised man on the train as long as I had been on the road; never met any Ku-Klux that I know of, and nobody said a word about him. He came to me and asked my advice, and I told him, after he told me what he did, that I thought he had better quit, if what he told me was so; but I did not see any danger of his being killed.

Question. He stated that you and the baggage-master and the watchman and others connected with the road had voluntarily given him this advice?

Answer. I gave it to him right here at the depot, at the hotel, one morning. He told me what he had heard, three or four times, he said, and I gave it to him there.

Question. Did you see the man who was on the train, who, he said, threatened him?

Answer. No, sir.

Question. Did you hear the express messenger, who was in the car with him, say he had seen such a man?

Answer. The express messenger told me he saw a man, who was in disguise, leaving the door as he woke up; he had been sleeping; as he woke up the man was going out of the mail-room door.

Question. That was the time his person was threatened?

Answer. Yes, sir.

Question. He did not know of any threats?

Answer. No, sir; he only saw him leaving the room.

By the CHAIRMAN:

Question. Did I understand you to say you had been running on this road, as conductor, for the last ten years?

Answer. Yes, sir.

Question. Are you a native of the South?
Answer. I was raised in Columbus, Georgia, sir.
Question. You say you never have seen anybody in disguise?
Answer. I never have since I have been on the road, or before.
Question. Have you heard of bodies of men in disguise, from time to time?
Answer. I have, frequently.
Question. In what part of the country have you heard of them?
Answer. In Sumter County.
Question. Confined to any particular locality in that county?
Answer. Yes, sir; at York station I heard of them twice.
Question. How large bodies of men did you hear they were?
Answer. I heard once there were twenty there.
Question. What were they there for at that time?
Answer. There was a young man who had been put on the road, named Hardy—John Hardy's son—who was picked up in Selma, out of the streets there; did not know anything about the road, and put on as conductor; these men came there and told him not to come back any more, and he did not go back.
Question. Was anybody wanting his place?
Answer. No, sir.
Question. What was the opposition to him?
Answer. Because he was a scoundrel, and his father before him.
Question. Why could not the authorities of the road have discharged him?
Answer. His father was the authority of the road; he was receiver, appointed by the court.
Question. In what interest were those disguised men acting in warning him?
Answer. Because they thought it was best for the traveling public to have men on the road who knew their duty, not pick up a man out of town who never had been on a train but two or three times in his life. We have accidents enough here in the country, if men are experienced.
Question. Do these accidents arise from negligence or fault of the conductors?
Answer. Yes, sir. I think if a man does not know his business he has no right to be on a train. I commenced on a train braking, and staid there two years as a brakeman before I was anywhere else. I don't think it's right to put on a man out of the streets.
Question. Have you any knowledge or information of who prompted this step?
Answer. No, sir; after it was done they accused me of it, and put me off of the road on account of that. I was discharged on account of that.
Question. Were you restored?
Answer. I was restored after Captain Wallace got the road back again.
Question. How long were you out of employment?
Answer. Four months.
Question. You did not do anything to instigate this movement?
Answer. No, sir.
Question. You have not the least idea who were concerned in it?
Answer. No, sir. I asked Mr. Mills, the superintendent of the road, appointed by the United States court, the cause of it. He said that was the cause, because I had been reported that way from information.
Question. Is it your belief that those disguised men were friends of yours who took this method to get rid of the other man?
Answer. No, sir.
Question. You think they acted purely in the public interest?
Answer. I think so.
Question. And for the benefit of the traveling public?
Answer. I think so.
Question. And not to avenge your wrongs?
Answer. No, sir; because that was before I was put off the road. I was put off the road after that.
Question. Was it supposed that his appointment would operate to displace you?
Answer. No, sir.
Question. Were you put off in consequence of his appointment?
Answer. I was, sir; after he was not allowed to run on the road.
Question. Were you removed from suspicion or belief that you were concerned in his displacement?
Answer. That is what they said; what they told me.
Question. Has it to this day been discovered who these men were, any of them?
Answer. No, sir; not as I know of.
Question. You have related one instance of the action of the Ku-Klux organization that has come to your knowledge. State any other instances.
Answer. I do not know of any other at all; that was the only one, and one of the conductors, at the time of this Meridian riot, told me a lot of them got on his train. I

do not know anything about that; I was not on the train. I never met one on my train.

Question. How many were reported to have got on that train?

Answer. They had some negroes they had arrested from Sumter County; some negroes had robbed a man and they went there and arrested them.

Question. How many Ku-Klux got on the train?

Answer. I think about ten; they stopped the train and put these negroes on and brought them to Livingston.

Question. What was done with them after they were brought to Livingston?

Answer. They were put in jail. I never heard of them since.

Question. Were these men in disguise who stopped the train?

Answer. Yes, sir.

Question. Did they take possession of the train?

Answer. They just stopped the train and put the negroes on and went on with it to Livingston.

Question. On what charge were the negroes arrested?

Answer. They had robbed a young man at Cuba station of his clothes and money, and they went down to Meridian and arrested this man. The party that arrested them were not disguised, but they turned them over to a disguised party, and they brought them on to Livingston, but none of the negroes were hurt.

Question. Have the negroes ever been punished?

Answer. I do not know whether they have or not.

Question. Was any attempt ever made to discover the men who took possession of the negroes?

Answer. Not as I know of. At that time I was only running to York station. I hardly ever went into Mississippi.

Question. Have you heard of any other cases where the Ku-Klux were abroad for any purpose?

Answer. No, sir.

Question. Those are the only instances, within your knowledge or information, where the Ku-Klux have appeared?

Answer. Yes, sir. I will state that I was put off the road on that account, I think, and the part I took in the city election at Selma.

Question. What part did you take?

Answer. I took a very active part there in electioneering.

Question. For which ticket?

Answer. The democratic ticket.

Question. Was the superintendent of the road a republican?

Answer. Yes, sir; a radical; that is what we call them down here.

Question. You say he took offense at your course?

Answer. I think he did, from the way I was treated in the office. I went down there and I was treated very coolly, which I had not been before that.

Question. Have you any knowledge or information to what county those disguised men belonged?

Answer. No, sir.

Question. Have you ever talked with any person who was a member of that order?

Answer. No, sir; if I did I did not know it.

Question. Have you any knowledge of its constitution, by-laws, signs, or pass-words?

Answer. Not a word, any more than the Loyal League. I think that was got up, though, on account of the Loyal League. I heard they were all low-down, trifling, white men—whites and negroes together.

Question. What reason have you to think it was gotten up to counteract the Loyal League?

Answer. There was so much rascality done by them.

Question. What rascality was done by the Loyal League?

Answer. Well, fighting.

Question. Where; in what community was that done?

Answer. There was one right here in this county. Bill Jones, at Linden.

Question. You think the Ku-Klux organization was gotten up to counteract that?

Answer. Yes, sir.

Question. In this county, and what other county?

Answer. I do not know. I understand it is over in Sumter; I do not know anything about it.

Question. You understood there was such an order in Sumter County?

Answer. Yes, sir.

Question. How numerous was it reported to be?

Answer. I do not know anything about that.

Question. Did you never have any information as to how many belonged to it?

Answer. No, sir.

Question. You never was at any meeting of members belonging to that organization?

Answer. Which?

Question. An organization known there as the White Brotherhood or Ku-Klux?

Answer. No, sir; but I have heard so much of what was done at the Loyal League, that I think something of that kind ought to have been gotten up.

Question. You may state all you know of any wrongs inflicted by the Loyal League; keep nothing back; if you have got anything within your knowledge or information of wrongs committed by that League, you will please state it to the committee?

Answer. Well, nothing particular.

Question. If you know nothing, why did you say it was an organization?

Answer. Only what I have heard.

Question. What have you heard of it?

Answer. I think that was their intention to get the negroes together, and put them in office, and do the stealing of the country, which has been a great deal of it done, I think.

Question. You have heard that its purpose was to put republicans into office?

Answer. Yes, sir.

Question. And to favor the stealing of property?

Answer. Well, they did that, I reckon; from what I have heard.

Question. Loyal Leagues do it, you say?

Answer. Men they put in office, send to the legislature and senate, such as John Hardy and the balance of them that went there; for instance, this Stanton bill.

Question. You have heard that the Ku-Klux order was gotten up for the purpose of putting the Loyal Leaguers down?

Answer. I have heard it; it ought to be done in that way; such a thing as that ought to be got up to counteract that.

Question. So you think the order of Ku-Klux was all right and proper?

Answer. I think so, as far as that was concerned.

Question. Is that opinion shared generally by the democrats of your acquaintance?

Answer. No, sir; I never heard anybody else talk of it.

Question. You say nobody in the democratic party shares this opinion with you?

Answer. Not as I know of.

Question. Did you never talk with your fellow-democrats on that subject?

Answer. I never have anything to do with politics. I took a very active part in the city election at Selma, but never since or before; and I do not think I will again as long as I live.

Question. Did you ever belong to any secret organization whatever?

Answer. No, sir; only Masonry.

Question. Did you ever see any of these Ku-Klux disguises?

Answer. No, sir; only in the circus.

Question. Did you ever hear what oath a man took when he entered the Ku-Klux order?

Answer. No, sir.

Question. Did you ever read it in the papers?

Answer. No, sir. I do not know anything about it at all.

Question. Did you ever hear that this order punished men on account of their political opinions?

Answer. No, sir.

Question. Did you ever hear that one of its objects was to control the opinions and actions of men, and induce them to vote the democratic ticket, or stay away from the polls?

Answer. No, sir.

Question. You never heard that that was one of the objects of the Ku-Klux order?

Answer. No, sir. I have been to a good many elections, and never saw anybody interrupted at the polls, black or white.

Question. You never saw any attempt to keep the blacks from voting?

Answer. No, sir; never since the surrender.

Question. You never saw any attempt made to induce them to vote the democratic ticket?

Answer. No, sir.

Question. In what manner did you understand the Ku-Klux order was to oppose or counteract the Loyal Leaguers?

Answer. Only in their rascality.

Question. In what mode were they to stop this rascality?

Answer. I do not know.

Question. You have heard of negroes frequently being whipped at night by men in disguise, have you not?

Answer. Yes, sir. I have heard of it in one case down in Choctaw County; but I heard it was negroes that did it.

Question. You never heard of it but in one case, and that was in Choctaw County?
Answer. Yes, sir.
Question. That was by negroes?
Answer. I understand it was by negroes.
Question. Is that the only case of which you ever heard, of a negro being whipped?
Answer. The only case I ever heard of.
Question. Do you read the newspapers?
Answer. I sometimes see a piece in the papers, but never heard anybody say anything about a negro being whipped.
Question. Did you ever hear of negroes being whipped in Sumter County?
Answer. No, sir.
Question. Marengo County?
Answer. No, sir.
Question. In Mississippi?
Answer. I was there the time the negroes were killed in Meridian, Mississippi.
Question. When was that?
Answer. I do not remember exactly the time; it was when the riot was there.
Question. Was that in the day-time?
Answer. There were three or four days and nights there that there was a riot going on. I do not know anything about it at all. I went there after the thing occurred. I was there one night. I got there after dark; a little before daylight.
Question. Have you ever heard of negroes being shot or hung by bands of men in disguise after night?
Answer. Only what I have seen in the papers.
Question. You never heard anybody say so?
Answer. No, sir.
Question. In what papers did you read such accounts?
Answer. I do not know exactly; I read a good many.
Question. Were the particulars given in any newspaper?
Answer. No, sir.
Question. You do not know whether they were true or false?
Answer. No, sir.
Question. No man has ever informed you of an instance in which a negro has been shot or hung, except in the case of the Meridian riot?
Answer. No, sir.
Question. And you have been running for ten years past on a railroad?
Answer. Yes, sir; I have been on this road for ten years.
Question. Mingling freely with the passengers, and never heard of but a single case, that at Meridian, of a negro being shot or hung; is that true?
Answer. Only what I have heard in the papers.
Question. What have you heard in the newspapers?
Answer. I do not remember now; I have seen several cases.
Question. Where have they occurred?
Answer. I have forgotten that, too; I did not tax my memory with it.
Question. If they had occurred in Sumter and Marengo Counties, would you not have remembered them?
Answer. Yes, sir; I reckon I would.
Question. So you have never heard of any account in those two counties of a negro being shot or hung?
Answer. I never had anybody to tell me that I know of.
Question. You talked freely with people, did you not?
Answer. I am a man that has very little to say with anybody on the train. I go through, tending to my business; if anybody asks me a question, I talk to them.
Question. You boarded at a public house, I suppose?
Answer. I keep house at Selma, and board with my wife.
Question. You eat at public stations along the road?
Answer. Yes, sir; the one we have here at Demopolis.

By Mr. BUCKLEY:

Question. Did this Robert Eustick say to you he was going to kill this man Diggs?
Answer. He told me a month before he intended to do it. The day after the difficulty, when he got on my train, he told me he intended to kill him next day. About three days after it he came to me and told me he had done it. I went and reported it to the authorities of Selma.
Question. Did you inform Diggs that you had heard such a threat against his life?
Answer. No, sir; I did not believe the young man was in earnest.
Question. You did not inform anybody?
Answer. No, sir; not until after it was done—not until after I had discharged him.
Question. Is York station in Sumter County?
Answer. Yes, sir; about ten miles from the Mississippi line.

Question. Did you inform anybody at that station, or any of the civil authorities there, that Eustick had threatened to kill Diggs?

Answer. No, sir; because he had told nearly everybody in York himself.

Question. After Diggs was killed did you tell the civil authorities in Sumter County what had happened?

Answer. No, sir; only to the Post-Office authorities, who ought to have taken charge of it, I think.

Question. Did the Post-Office Department have charge of cases of murder, at that time, committed in Sumter County?

Answer. They ought to have attended to it, I think—the United States deputy marshal, Corcoran—I think he is still deputy marshal.

Question. Did you ever hear that the man who killed Diggs was in disguise?

Answer. Yes, sir; I understood he had something white over his face.

Question. Did you ever hear that a body of men were secreted in the woods, a short distance from the train?

Answer. No, sir.

Question. Did you ever hear that any whistles or responses were made between the man shooting and the body of men in the woods?

Answer. Yes, sir; I heard a whistle very plain, and some two ladies met him upon the hill, and asked him what was the matter, and he would not tell; the whistle was plain; it sounded like it was back in the woods.

Question. Have you any reason to suppose any men were back there where the whistle was blown?

Answer. I do not know anything about it; I was not back there.

Question. This man Eustick was discharged before the killing of Diggs?

Answer. Yes, sir.

Question. Was his home in Sumter County?

Answer. Yes, sir.

Question. Did you know whether anybody was prepared to make oath that Eustick killed Diggs?

Answer. Only what he told me and the other conductor, Mr. Anderson, who is on the road now.

Question. Who informed Curran that Coleman must not go back there?

Answer. I do not know. I did not ask him that question.

Question. You do not know how he got that information?

Answer. No, sir.

Question. He did communicate to Coleman that it was not safe for him to return?

Answer. Yes, sir.

Question. Were you on the train the night the man in disguise entered the mail-car with pistol in hand and threatened Coleman's life?

Answer. No, sir.

Question. That was not your train?

Answer. No, sir.

Question. Did you ever hear it said along the line of your road here that no appointee of Mr. Hays should run on the road?

Answer. No, sir.

Question. Did you ever hear that a colored man was taken from the jail in Sumter County and shot?

Answer. No, sir.

Question. Did you hear that such an instance as that had occurred during this present month?

Answer. No, sir; I never heard anything about it. This man Harris, on the road, was appointed, I think, through Mr. Hays, and some other man on the road—I do not know his name—was his appointee; neither of them ever had anything said to them at all; both have been getting along very well on the road.

By the CHAIRMAN:

Question. Was opposition made to Diggs's appointment on account of his color?

Answer. No, sir. I would rather have Diggs with me on the road than some white men who were on the road before him.

Question. What was his office?

Answer. Route-agent. I always found him very nice and clever about his mails, and never heard him give a word out of the way on the road.

Question. He gave satisfaction to the company?

Answer. Yes, sir; I never heard a word about him.

Question. You say Coleman was objectionable—to whom? The traveling public?

Answer. To the people generally.

Question. He had taught a negro school, you say?

Answer. Yes, sir.

Question. Was that the objection?

Answer. On one account, of keeping a negro girl.

Question. Was he objectionable on account of teaching a negro school?

Answer. No, sir; but because of acting so with his family and this negro girl.

Question. Do the community generally set their faces against a white man who has connection with colored women?

Answer. Yes, sir.

Question. Is it generally unpopular?

Answer. Yes, sir; especially a man who is married and has got a family. He went to Selma with me once, and carried his family down, and left them with my train; they got in at 9 o'clock in the morning and at 3 o'clock his family was still sitting in the car, and nobody knew where he was, and I brought them out to Demopolis, on the road.

Question. How is it with young men here; are they disgraced in the community if they have sexual intercourse with colored women?

Answer. When the courts find it out—the grand juries—they prosecute them.

Question. I am asking for public sentiment?

Answer. When any men do that, people are down on them when it is known.

Question. There has been a great deal of that intercourse in times past?

Answer. Yes, sir; with young men?

Question. Is it still carried on extensively?

Answer. I reckon it is. I do not know.

Question. Is it not generally known who associate with negroes in that way?

Answer. When it is found out they punish them for it.

Question. You say they are degraded in the estimation of the community when it is known?

Answer. Yes, sir.

Question. That is uniformly the case, is it?

Answer. Yes, sir.

Question. And much more so if they are married men?

Answer. Yes, sir.

Question. What proportion of the colored race, Mr. English, so far as your knowledge and information extend, have a mixture of white blood?

Answer. Well, I do not know; I never have noticed it.

Question. One-half?

Answer. No, sir; I do not reckon there is one-half of them; one-third of them, I suppose—about one-third.

Question. And all men who associate in that way with negro women are frowned upon just as Coleman was, are they?

Answer. Yes, sir.

Question. You do not know, of your own knowledge, that he kept a colored woman?

Answer. Only from what I have heard, sir.

Question. It is quite possible, then, that he may have been slandered?

Answer. I do not reckon the people would tell a barefaced lie, up here, for nothing.

DEMOPOLIS, ALABAMA, *October* 27, 1871.

SAM. B. JACKSON sworn and examined.

The CHAIRMAN. This witness having been called by the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. State your name, place of residence, occupation, and position.

Answer. I sign my name Sam. B. Jackson, for the sake of distinction; there are several in the family named Samuel B. Jackson.

Question. What is your present profession?

Answer. I am practicing law at present; I was at one time judge of probate of the county; I live in Linden, Marengo County, Alabama.

Question. State, if you please, whether you were present recently at an inquest over the dead body of a man by the name of Robin Westbrook, from Jefferson, in this county.

Answer. I received a message, sir, from Jefferson, while at Linden, that the magistrate there was sick, and requiring my presence to attend for the purpose of holding an inquest, and I did attend and held an inquest.

Question. Did you take testimony as to the cause of his death?

Answer. I did, sir.

Question. State what that testimony was, or, if you have the testimony itself, give it to the committee; read it.

Answer. I have the testimony, sir, [producing a document.]

Question. Is that a copy, or the original?

Answer. This is the original itself, sir. In accordance with our laws here we called a physician to examine the body; I had him summoned.

Question. Read it.

[The witness read as follows:

"At an inquisition held upon the body of Robin Westbrook on the 19th day of July, 1871:

"Dr. D. R. McGowan, being sworn, deposes and says that the deceased came to his death by a gun-shot or pistol wounds, witness not certain which; two wounds, either of which would have proven fatal; the largest wound in the clavicle region of the chest, near the neck and above the collar-bone; the smaller wound in the scapular region of the body, entering from the back.

"D. R. McGOWAN, M. D.

"Betsey Westbrook, being sworn, deposes and says that seven men came to the house of Robin Westbrook last night; that they shot through the window several times; then called to Robin Westbrook to open the door, and he refused; they then got rails and knocked the door down. Robin had passed out of the main building into a shed-room, closed the door, and fastened it. The men then entered the main room, and entered the shed-room; there were six men in the house. They then pressed Robin back in the corner and shot him. They had guns with them, and fired three shots. Before entering the shed-room they kindled a light with a basket in the fire-place. She states that she did not know any of them; that they were white men; a boy about ten or twelve years old, about four feet high, appeared to have a net over his face. One of the men dropped his hat on the floor and came back for it. This occurred between 10 and 11 o'clock.

her
"BETSEY + WESTBROOK.
mark.

"Attest: J. W. SMITH, JR.

"Tilla Reese, being sworn, deposes and says: When the deceased was shot he was not in the room; that he stepped to the door, and a man out-door told him to stand back, if he did not he would shoot him. Afterwards a low, chunky man, with a netted cap, led him to the door, when he jumped out and run, and the man shot at him twice.

his
TILLA + REESE.
mark.

"Attest: J. W. SMITH, JR.

Here is the appearance bond of Dr. McGowan:

"Marengo County Court.

"THE STATE
vs.
"APPEARANCE BOND OF DR. D. R. McGOWAN. } No. 23.

"THE STATE OF ALABAMA, *Marengo County:*

"We, D. R. McGowan, and A. J. White and W. W. Gilmore, his sureties, acknowledge ourselves indebted to the State of Alabama in the sum of one hundred dollars, to be void if I, D. R. McGowan, appear the next term of the circuit court of said county, and from term to term thereafter until discharged, and answer before the grand jury of said county.

"Witness our hands and seals, this 19th day of July, 1871.

"D. R. McGOWAN,
"A. J. WHITE,
"W. W. GILMORE.

"Approved: S. B. JACKSON,
"*Justice of the Peace.*"]

Question. Were those statements made on oath?

Answer. Yes, sir; I swore them; this is the report of the jury:

"STATE OF ALABAMA, *Marengo County:*

"An inquisition taken at J. L. Nored's, in Jefferson, in said county, on the 19th day of July, 1871, before me, Samuel B. Jackson, a justice of the peace in and for said county, upon the view of the body of Robin Westbrook, there lying dead, and upon the oath of John W. Smith, jr., Ed. Williams, Levi Smith, Calvin C. Dyer, N. W. Bradley, and Paul Anderson, good and lawful men, householders of said county, who being charged and sworn to inquire for the State of Alabama when, where, and how the

said Robin Westbrook came to death, upon their oath say and present that we, the jury, find that the deceased, Robin Westbrook, came to death by gun-shot or pistol-shot wounds, inflicted by six or seven men unknown to us. The killing was done on the night of the 18th of July, 1871, in a cabin on the place of J. L. Nored, in Jefferson, in said county.

"N. W. BRADLEY,
"C. C. DYER,
"JOHN W. SMITH,
"ED. WILLIAMS,
"LEVI SMITH,
"PAUL ANDERSON.

"Sworn to and subscribed this 19th day of July, 1871.

"SAM. B. JACKSON,
"*Justice of the Peace.*"

Paul Anderson is a colored man I had placed on the jury. Two of these witnesses were colored people; and, in accordance with my general rule, I did not bind them over for appearance at court, for the simple fact that I was asked by the citizens not to do so, as they would have had to lie in jail, as they could not give bonds.

Question. Was any apprehension expressed by any of these witnesses that if they told who did the killing they would suffer for it?

Answer. Not the slightest in the world, that I heard of.

Question. Was either of them, to any appearance, under any such apprehension?

Answer. Not in the least, that I saw, sir; the inquest was held in the yard near the house; several parties were around there, and I asked if they knew any of them to be connected with it, and asked them to express themselves freely; I saw nothing of the kind.

Question. Was there any evidence in the manner and bearing of these witnesses that they were under such apprehensions?

Answer. I could not see anything of the kind; they seemed to be at their ease, perfectly so, so far as I could see; nothing of the kind ever entered into my mind at the time.

Question. In your opinion, was there anything to justify such an apprehension?

Answer. I am satisfied that, while I was present, (what occurred before I went there I cannot state,) there was nothing in the world to justify any such apprehension on their part; I am satisfied of that.

Question. What appeared to be the feeling of the community, generally?

Answer. They expressed an anxiety, quite an anxiety, to hold the inquest. I at one time proposed to expedite matters on account of a slight rain coming up at the time, and they insisted upon going on with it notwithstanding the rain, and seemed to be anxious that the inquest should be held.

Question. Have you ever heard of any instance, in this county, of a person being injured or assaulted for giving testimony in a case of this kind, or any capital case?

Answer. I do not remember of hearing anything of that character; in fact, I am positive I have not heard of anything of that kind.

Question. Did the woman or the boy say anything, or express themselves, in regard to this?

Answer. Nothing more than what they have sworn to.

Question. Did they say anything to lead you to infer that they were suppressing any of the facts in the case, from apprehension?

Answer. No, sir; the only remarks the woman made at all outside of her testimony was, she intimated some crimes that some negroes had been guilty of, and that somebody supposed Robin did it, and killed him for some other negro's rascality, or something of the kind. She intimated something of the kind, that he perhaps was accused of something some other negroes had done. It seemed her impression that somebody had done something that he had been killed for, that they ought to have been killed for; that is the only language she used that I remember, outside of what I have given you. I went with her before the inquest, and asked the old woman to show me the body, and I talked with her about it, and she asked me to expedite matters as far as possible; that she wanted to have him buried. I made preparations to have him buried, and we talked the matter over while I was having a jury summoned. She expressed no apprehension of anything of the kind.

Question. Were you present the other day in the town of Linden when this disturbance took place, in which W. B. Jones made a speech?

Answer. Yes, sir; I was present.

Question. Did you hear what Jones said that lead to the interruption?

Answer. I did not pay particular attention to all of his speech, but I believe I heard nearly everything that was said, sir.

Question. State, if you recollect, what he was saying at the time he was interrupted?

Answer. I think he was making some remarks in reference to democratic candidates,

or something of that kind, hugging the negroes around the county, and so on, when some one, I do not know who, said it was a lie. The next time, I think, he was interrupted, he made some allusions to Mr. Drake, and some one, I am not positive who—I was not paying particular attention—interrupted by the remark, "If you propose to give Drake's history, tell us what he was doing in the corner of Keller's chimney." There were very few there, and I did not pay particular attention. I was on the opposite side of the street, or near the middle of the street, by a tree. Jones replied that Captain Drake was there, and could speak for himself. Nothing more was said in regard to that, but at the time he announced he would not speak, I do not think anybody was having anything to say to him. There was a negro there in town, a very clever negro, who was under the influence of whisky, and he has an expression he uses which has no sense to it—"Stand to your dimity." He used it to a young man, and he thought the negro was insulting him, and followed him up, asking him questions, "What he meant?" and several knowing the negro so well, and knowing he meant no offense, went and gathered around the man, and told him not to interfere with the negro, that he meant no offense, that he used a common expression of his, an odd way he had of talking. I went forward to the negro and said, "Limerick, you often promised me to listen to me; you are drunk; your wife is here to get you to leave, and your brother and brother-in-law, and you ought to leave." He said he would leave. About this time Jones saw this crowd, and said he saw there was a probability of a row or a riot, and said he would not speak any further. A number of gentlemen called to him to go on, and speak. Mr. McNeill asked him to speak, and Mr. Lawson called upon him once to speak. I called on him to go on, and speak; that it was only this. Several called out to him to speak. I cannot recollect all of them. After this I walked off near to where there was, I suppose, may be, a dozen men standing around in front, and a great many negroes. He made some allusions to an investigating committee being at Demopolis next week, and they, doubtless, would get a correct version of this matter. I then addressed him, and asked if he did not know me to be a good, law-abiding citizen. He answered me back, either yea or nay. I do not remember his answer. I told him we did not wish to be interfered with, nor create any riot or anything of the kind, and called his attention to the fact that there were no arms drawn, or threats made at him or anybody else; no arms displayed by any one else, except some colored men there with guns, and I asked him to get them to carry the guns and put them away. He gave me no answer. I went to them myself, and asked them to carry the guns to Ackerley's shop; I told them doubtless they had brought their guns along to shoot squirrels, but that some of the men were drunk, and it might create a disturbance; they gave me no answer. I asked others to go and speak to them, and they gave no answer. I turned away, and after that, my best recollection is, that Mr. Jones called to Mr. Giles, and asked him to come and get his watch and breast-pin. However, before that, there was a rumor afloat that Jones had called upon some black men to go to the grand jury room, and prepare to fight, and a number of gentlemen proposed to go and see; I stopped them, and asked them not to go, and asked one of the gentlemen to walk with me to see if it was so; and we walked around in the rear of the court-house. They passed around through the court-house, and up, and went back up the steps. If these black men had any arms at that time, I did not see them. After they had passed up the steps, he called upon Mr. Giles to take his watch, &c.; and some words passed between them; Giles was sheriff or deputy sheriff. After that—I do not wish to misrepresent Mr. Jones, but I think the remark was, that he was browbeat, and he would be damned if he hadn't been browbeat as long as he would be; that he was going down to fight, and fight anybody that had anything against him, or wanted anything of him. He had at the time a pistol about that long, [18 inches;] he came down with that in his hand, and came out. As he was going down the steps, he said something about "clear the way;" I heard that, and turned and walked off to the opposite side of the street; and when he came out at the gate, I think Mr. Morgan was standing near, and some words passed between them I could not hear, but it was something in reference to "fair fight." Morgan, I think, also told them to "stand out of the way, let's have a fair fight." The next words I heard from Mr. Jones were, to tell some negroes to form a line. There were, I suppose, twelve or fifteen with guns, and they formed a mass as it were; and after that a number of citizens went out also to face them; some with double-barreled guns, some with pistols, some with hatchets, some with brickbats. I believe there were four colored men with our citizens; one of them, I think, had only a gun, two, perhaps, had guns; one with a brickbat, and another without anything—I suppose to manifest to the whites that they were in favor of putting down this riot. They just simply came out there, and said, "We want these people to be quiet;" and came on, as it were, the side of the white people. After that they seemed to be in a sort of line, I suppose, 10 or 15 feet apart. There was a great deal of confusion on both sides, and some cursing and swearing, and both parties advanced a little at first; finally the blacks stopped, and Jones cried and begged, and gave up his pistol, and some one cursed at him, and told him to get out of the way, and he turned and went with Mr. McNeill into the court-house. I think that is what became

of him. After that the only thing I heard was, differently expressed from different parties, calling on the blacks to disperse and "leave here," and "lay down that gun," and all such talk as that, as a crowd would, generally, and it quieted down after that considerably.

Question. No injury was inflicted upon any one?

Answer. None whatever that I saw.

Question. Did you hear of any being inflicted upon any one?

Answer. I did not hear; I did not see Mr. Jones since until passing him in the street to-day. I did hear he was struck or stricken; I do not know whether he was or not, nor who struck him.

Question. None of the colored people were injured?

Answer. No, sir.

Question. They all went off?

Answer. Yes, sir; after they had quieted down to some extent. I had walked off and remarked to them, "Boys, be quiet; now Mr. Jones has gone into the court-house, everything will be quiet now, and do not raise any disturbance here at all; you have only acted in self-defense; do not make yourselves the aggressors." About this time I saw two gentlemen come walking hastily, and I asked them to stop. They called attention to a colored man, who was preparing to shoot them, they said. I asked, "Where?" They said. "There." The remark was, "Don't you see that damned nigger trying to get behind that tree and shoot me?" I looked, and there stood a negro with a double-barreled shot-gun, both barrels cocked, raised in that position, [illustrating.] I walked up and asked what he wanted. "Do you want to shoot?" He said, "I do not want to shoot you." "Who do you want to shoot?" I asked again. "I don't want to shoot you," he said. Just as this occurred a colored man stood right by, a relation of this other black man; he says, "Master Sam, I will make him give up and behave himself." I said, "Very well, Ira," and he went on. I went home to my dinner to my house, and I know nothing more, excepting from rumor, which I do not propose to detail unless you demand it.

Question. We have had already a statement as to what occurred in the room with Jones, and what took place subsequently.

Answer. I do not know what he did in the room at all.

Question. We have had a statement from Judge Young, who came up after he retired into the court-house.

Answer. I do not know anything about what occurred there. When I returned from my dinner Mr. Jones had gone. He had left the place, so I had been informed. I thought he had gone before. I saw a company of gentlemen coming back, who informed me they had gone to escort him as far as he desired, to see that no damage was done to him. Mr. Woolf was one of that party who went to escort him. What passed, I do not know.

By the CHAIRMAN:

Question. Did you write down everything that the widow of Robin Westbrook said?

Answer. My recollection is, that it is in pretty much her own language.

Question. I did not know but she made a rambling statement, and that you abridged it.

Answer. She may have related the same facts over once or twice, and I would only write them once, perhaps.

Question. Did you put it down in her own language, or language of your own?

Answer. There was a gentleman who acted as clerk for me, and my instructions were to put it down, as near as possible, in her own language.

Question. Did she say anything, in that examination, in relation to her husband's having any money?

Answer. I do not remember hearing anything of the kind mentioned, sir.

Question. How long after the murder, which you say took place on the 18th of July, before this inquest was held?

Answer. I think we convened about 1 o'clock the next day.

Question. Did you question her or Tiller Reese, whether they were laboring under any restraint or apprehensions in giving their statement?

Answer. I did not. I saw no reason why I should, and I did not anticipate anything of the kind.

Question. Suppose it were true that she had been threatened, by the men who murdered her husband, that she would be murdered herself if she ever informed upon them; would not that, in your opinion, create a state of apprehension that would induce her to keep back the names of any men she may have identified upon that occasion?

Answer. I think it would, sir.

Question. Even if she had not been threatened, and identified certain men in that neighborhood as men concerned in the murder of her husband, if those men were white men, and lawless men, would not there have been danger in case she had, in her testimony, implicated them?

Answer. You found your question upon a predicate, that is, if this was the fact. I reckon, sir, if she believed that to be the fact, it would have had its weight with her in giving her testimony.

Question. She would have labored under duress, and would have studiously concealed or kept back the names of the men she had recognized?

Answer. If she was laboring under any such impression, I think, to some extent, she would. It is very probable. I do not know these to be facts. I only give you my opinion, and I think that opinion is founded upon human nature.

Question. If men living in that community were so lawless as to murder her husband, is it not a fair presumption they would have murdered her for informing upon them?

Answer. Well, I do not know, sir. I am at a loss to say. I would think if men were so lawless as to do a deed without provocation, that they certainly would be lawless enough to inflict some punishment upon any one who informed upon them. I say if they were of that character and stamp.

Question. Did the testimony upon the inquest show, or tend to show, that Westbrook had given any just cause of offense, leading to this act of violence?

Answer. I do not remember of any testimony that gave any light as to the provocation for his death.

Question. Have you any information that Westbrook had given just cause of offense to any one, that should have led to this act of violence?

Answer. Only rumors, sir. I know nothing of my own knowledge. I heard it afterward in Linden and divers other places that he had been committing some depredations in the country, thieving, and one thing and another.

Question. Misdemeanors?

Answer. Misdemeanors principally, sir; that is about all I heard.

Question. They would not, in your estimation, form any justification whatever for this midnight visit by a band of men?

Answer. I do not think, sir, that I could, myself, be willing to join such a band of men for such a cause.

Question. The good men of the community would not justify any such proceeding?

Answer. No, sir; I do not think they would; they would not countenance such a thing.

Question. How largely was this inquest attended, outside of the members of the jury and the witnesses?

Answer. I suppose there were, perhaps, five or six white men present, besides the store-keeper, or grocery-keeper, near by there; and I think I saw some twelve or fifteen black persons. There were more at one time and less at another, passing back and forth. It was raining at the time.

Question. Was this in the village of Jefferson?

Answer. Yes, sir.

Question. Did you know Judd Oakley?

Answer. Yes, sir.

Question. Did you know Mr. Beaman, also?

Answer. Yes, sir.

Question. Were either of those gentlemen present?

Answer. Yes, sir.

Question. Did you see them that day?

Answer. I did not.

Question. You know them well?

Answer. Yes, sir; I know them very well.

Question. They lived in Jefferson, did they not?

Answer. I do not think they lived in Jefferson.

Question. In that neighborhood?

Answer. I suppose; I do not know exactly where Mr. Beaman lives, but my impression is that Mr. Oakley lived, perhaps, at Griffin's Landing.

Question. Were they respectable young men?

Answer. Yes, sir; considered so. Mr. Beaman is a gentleman near your age. I do not know your age, but about middle age. Mr. Oakley is a man of my age.

Question. I speak of the younger Beaman—the one who has died since?

Answer. Oakley has died since.

Question. I refer to the Beaman who died of the yellow disease.

Answer. I did not know him.

Question. Oakley was a man of fair standing?

Answer. I never knew anything to the contrary; only he was a rowdy and rough when he was drinking.

Question. Was he of fair average morality and standing in the community?

Answer. I think he was looked upon as rather a troublesome manwhen drunk or drinking. I do not think he could be considered a moral man at all. I do not think a drinking man, a man in the habit of getting drunk and raising disturbances, is a good moral man.

Question. Was Dr. Smith present on that occasion?
Answer. He was not.
Question. Did you see him after that?
Answer. I did not, that I remember. I may have seen him while engaged. I do not remember of seeing him. I inquired for him that day, in order to obtain a physician to examine this body, and was told he was not there.
Question. You say, so far as the testimony went, there was no evidence that more than one person was disguised in that crowd?
Answer. I think the expression of the old woman was, that he appeared to have a knit cap—and she explained what sort she meant—over his face; she said it was a boy.
Question. Did she say they were all white persons?
Answer. She said they were all white persons, and none of them were disguised persons, except that one who appeared to have a net-cap over his face.

DEMOPOLIS, ALABAMA, *October* 27, 1871.

HENRY ASHBY WOOLF sworn and examined.

By Mr. BLAIR:

Question. State your residence and profession.
Answer. Linden, Marengo County, Alabama. I am a lawyer by profession.
Question. State to the committee if you were present on a recent occasion when there was some difficulty or trouble in which Mr. W. B. Jones figured?
Answer. I will state that I was not present during the whole time. I was present at the commencement of his speech, and then was absent for a short time at dinner, and returned. I was not there when the disturbance commenced.
Question. State what you know, of your own knowledge, about the circumstances attending it, and also what you know from information upon which you rely.
Answer. On that day I did not see Mr. Jones until late in the evening, but when he commenced speaking, Judge Young and myself stood some forty paces, I suppose, from him, on the outside of the crowd, and listened to him speaking, I suppose, fifteen minutes; he commenced, I suppose, about 12 o'clock; we listened to him about fifteen minutes, and as it was our dinner-time, we went to dinner. Upon my return from dinner, when I got within about a quarter of a mile—I live about half a mile—of the court-house, where he was speaking, I heard the disturbance had commenced, and I soon got in sight, and saw the colored people scattering in every direction. I ran as hard as I could to the place. When I got there, there was great confusion among the blacks and whites. Mr. Jones had retired; I did not know where he was; I did not see him when I arrived. I set to work, together with others, to quiet the disturbance. I did everything in my power to do so. In the course of an hour I ascertained where he was, and I was informed that when the disturbance broke out—I will state to the committee, if the committee desire me to state, what I heard.
Question. Yes, what you heard from reliable information.
Answer. Up to the time I left—fifteen minutes—there was no disturbance at all. He was speaking regularly along, and had not stopped or been interrupted by any one. I understood that after I left he accused the democratic candidates in this county of attempting to get on his ticket in order to be elected. One of them being present, Mr. McNeill, who is here, he walked up and desired him to tell who that was. His reply was, "If you did not want to get on my ticket, you all were after negro votes;" and then a gentlemen who was there from Shiloh asked him when he was going to Shiloh. He stopped then, and says, "Shiloh! Shiloh! it is a shy place, and a low place," and then a gentleman named Morgan, I understood, told him he was a damned liar; Morgan lived at Shiloh. Then he stopped for a moment, and said he did not deem it prudent to speak any longer, (it was said he had spoken then about an hour, something like an hour;) that he had been a political speaker for ten years, and he saw there might be a disturbance, and he had better quit. I was informed that he stopped then. He was on the second story of the porch in front of the court-house; he stopped, and stood there for some time, several minutes, and some colored men were seen to approach him and say something to him, I do not know what, and I do not think I have ever heard. He then called the deputy sheriff to him, and gave him his breast-pin, and his watch, and took out his pocket-book and gave it to the deputy sheriff, and told him to give it to his wife. He picked up his umbrella, and in it was a very large pistol, which he took out of it, and took it in his hand, and walked down the steps and went out of the gate in front of the court-house, and remarked, if anybody there wanted to fight, he was ready for him. He waved his hand, and told them to form a line. Some say he spoke to the colored people; some say he referred to the white people. I cannot say which it was. I did not hear that myself. I tell you what I am informed. At that time Mr. Morgan was

standing in front of him, and remarked, "Clear the track and let him shoot me," referring to Jones. Other white persons who were there had left—ran off, I suppose, to get something to fight with, from what I can learn. They immediately returned with some pistols, and ran up to Jones, some four or five, and some of them, probably, ran their pistols in his face, or near his face. I understood his hat was knocked off. At that moment he applied to McNeill to save him. McNeill said, "Give up your arms then;" and he handed his pistols to McNeill. He said, "You saved my life once before; save it again," and McNeill ran in between him and the weapons—the pistols—and shoved him back inside of the court-house, and the door of the register's office was kicked open, and he went in there and barred himself up in there. When I came back then, he was in there. I had not seen him up to that time. I set about, with other parties—the older men—to quiet the disturbance; we succeeded, except with one or two drunken men, who were in no condition to be quiet about anything. I tried my best to get the colored people to leave the town. There were large numbers blocking up the street. I made them two or three speeches, and insisted upon their retiring, and told them if they remained in large numbers it would be more likely to lead to trouble eventually, and slowly the colored people withdrew. I then went and insisted upon the grog-shops closing their doors, which they did, at my solicitation. Judge Young, who had been in the room with Dr. Jones, then came out and informed me that Dr. Jones wanted to sign a paper retiring from the candidacy for the office of sheriff of this county, and that he would go home and try to keep down every disturbance; and he asked me to go to my office and write the paper. I did so, as nearly in the language Judge Young informed me as I could. I have a copy of that paper that Dr. Jones signed, with me, [producing paper.] I will say this, that I wrote the paper, and looked for Judge Young to go back with me where Dr. Jones was. I could not find Judge Young. I asked Mr. McNeill, the brother of the gentleman who is here, to go with me into the room. I went in there, and Dr. Jones was sitting in the corner of the register's office with three pistols—a navy repeater, a pocket repeater, and a very large single-barreled pistol—lying by his side. I told him Judge Young had informed me that he desired to sign certain papers. He said he did, and asked if I had prepared it. I told him I had. He asked to see it. I took the paper out and showed it to him. He read it, and said, "That is all right; I will sign that," and did so, and asked me to give him a copy. I did so. The original and the copy are in my handwriting. It is in these words:

"THE STATE OF ALABAMA, *Marengo County:*

"I, William B. Jones, in order to quiet political excitement in the county, and for the preservation of peace and good order, agree to retire from the canvass for the office of sheriff of said county, and to do all I can to promote good order in the community.

"W. B. JONES.

"OCTOBER 7, 1871."

He asked me then to take that paper and go out and collect all persons who were in town, and read it, and explain it to them. I did so. Blacks and whites collected around me in large numbers. I read it to them. He asked me to ascertain if it was satisfactory. I read it to them, and then I told them Dr. Jones wished to know if it was satisfactory. There was one universal acclamation among all that it was satisfactory.

Question. Negroes and whites?

Answer. Yes, sir; of the negroes especially. I went back and told them what I had done. I had told his black man, who was with him, to bring his buggy up the street from the livery stable, and I asked him, "Now, do you desire to go home?" He said he did, "but I am afraid to go out there; I am afraid they will kill me." I asked him if, when the men he had known all his life gave him their word that he should not be hurt, he did not believe them. He remarked, that he had ever confided in the integrity and truthfulness of southern men; that when they told him anything, he believed it, and says he, "Here are my pistols; I want you to take them." He and I have known one another all our lives; both born and raised in this county. He says, "Take them and send them to me at Demopolis." I did not want to take them—to have them about me. I told him that was useless; to take them in the buggy. He says, "No, I will not touch them." I took them up off of the box, and put one in each pocket of my coat, and carried the large one in my hand; I could not put it in my pocket. As we went out in front of the court-house, the crowd collected around him. There was a large number of blacks and whites. As he went out he was crying loudly. When he got outside of the gate, into the street, he stopped and made a little speech, the purport of which was, that he was no longer a candidate for the office of sheriff of Marengo County; that he intended to support Captain Harris, the democratic candidate, and advised all black and white present to do the same, and told the colored people to behave themselves, and be quiet, and go home and attend to their business. He then went on up to his buggy, and remarked that he would not go unless myself and a Mr. Tate who lived there would go with

him, and as many others as would go. I told him certainly, I would go to Demopolis with him if he asked me. I said, "There is no danger of your being interrupted, but if you request it I will go with you all the way to Demopolis." I then mentioned it to several, and eight or ten holloed to him to come along; they went and asked Jones if he wanted them to go; he said he did; he wanted anybody that would, to go, and we went probably two miles in this direction, and he told us finally he thought it was useless to go any farther, but if we would go on to Demopolis with him he would treat to $50 worth of champagne when he got here. I told him no, I did not care to go any farther, unless he desired it. We turned back, and he came on with two citizens of Linden who were coming up here to take the railroad; he came with them; they were on horseback. Before the paper was carried to him—before I prepared it—before anything was said to him about it, the servant, I take it to be, who came with him down there, said he wanted his flag, which was setting where he put it before he commenced speaking. I said, "Go and get it." He said, "I would rather some of you would go with me." Mr. McNeill and myself went with him to where the flag was set, inside the court-house, and said, "Take it." He said, "No, I do not want the staff." It was a pole cut in the swamp as they went along, I suppose. He says, "I only want the flag." I took it down; it was tied on the staff with twine strings. Mr. McNeill untied the top string; and the others were tied in such a manner that I could not untie them, and I took out my knife and cut the other strings off of the staff, and told the colored man to take the flag, and he bundled it up in our presence and carried it off, and it was not touched by any on the ground that day except by myself and Mr. McNeill and these parties, and there was not a knife put nor a rent made in it on that day. It was given to his servant who came with him, and he took it off. There may be some other matters that I do not remember besides these.

By the CHAIRMAN:

Question. At the time you came back from dinner, is it your opinion that his life was in danger?

Answer. I believe, sir, if he had gone out there, that perhaps it might have been in danger by one or two men who were under the influence of liquor.

Question. Was it your opinion at the time, that this concession of his—this card—was essential to appease the fury of the crowd?

Answer. Well, sir, I did not know whether it would be or not; he asked me to ascertain if it would be.

Question. Did you take measures to ascertain whether that would be accepted?

Answer. I did; at his request I went out and collected the crowd and read it to them, and explained what he said. This paper is a copy of it; he sent me himself, and a letter with it that he wrote me himself. The committee can read the letter if they wish to.

Question. At the time you wrote this, was it your opinion that it was necessary in order to quiet the political excitement, and for the preservation of peace and good order, that he should retire from the office?

Answer. Well, sir, I believe that such a canvass, as he conducts it, is calculated to disturb the good order of any community.

Question. I am simply asking your opinion—whether, in your judgment, at that time this card was necessary in order to preserve peace and good order?

Answer. I do not know; you mean on that occasion. I did not know, because I had had no information on that subject, except the message through Judge Young from Dr. Jones.

Question. Did this card have the effect of restoring peace and good order?

Answer. Yes, sir; it had that effect. I do not say that nothing else would have had that effect. It did have that effect, upon my explanation to the crowd. It was so announced by the whites and the blacks. I desire to explain one remark I made just now, if it has been taken down by the reporter, in relation to such canvasses as he conducts—the speeches he makes. I would simply say this: If he was a democrat, his manner is inflammatory, and calculated to excite any crowd he speaks to.

Question. He was a good democrat once, was he not?

Answer. I heard him make a speech, in the presidential canvass for Seymour and Blair, in the court-house—the same place—and he said he was a good democrat; and he denounced the opposite party more bitterly, I think, than I ever heard it denounced before.

Question. Did he have a goodly crowd of democrats present?

Answer. Not much of a crowd.

Question. Did they seem to relish his speech?

Answer. They seemed to like it pretty well.

Question. Was that speech deemed inflammatory?

Answer. Yes, sir; it was in that exciting tone of his.

Question. Did the democrats relish that kind of inflammation—you say it was inflammatory; did they relish that species of inflammation?

Answer. No, sir; I do not think they did, as an organization.

Question. I just desired to know whether his teachings and speeches at that time were grateful to the democratic party.

Answer. Well, sir, I do not think the democratic party had entire confidence in him as a democrat at that time.

By Mr. BUCKLEY:

Question. Did you hear any portion of Mr. Jones's speech?

Answer. Yes, sir; some fifteen minutes—the first part of it.

Question. Did you hear anything out of the way or inappropriate?

Answer. No, sir. Judge Young and myself were standing there listening to him until after he had spoken about fifteen minutes. The whole speech, up to the time we left, was in relation to the United States flag. It was a eulogy upon the flag. A "Fourth-of-July speech" is what we all called it. He then took up a letter he had written in 1860 in denunciation of Abraham Lincoln, and was explaining it. In that speech he had referred to vile and infamous sentiments clustering in the bosom of Abraham Lincoln. It is a letter he wrote in favor of the secession of the State. He got through with that, and had explained that, and said the vile and infamous sentiment he spoke of in Mr. Lincoln's bosom was the sentiment he uttered in a Chicago speech, in which he took the position that the negroes were not fit to vote or sit on juries; and that that was the sentiment he condemned in that letter. At the close of that explanation, Judge Young proposed to go to dinner. I told him I was ready to go, and we did go. I heard applause until I got home. I live some half a mile. I knew he was speaking up to the time I arrived at home. After I arrived at home, I sat down and ate dinner, and was returning, and met my son—eighteen years old—and asked him if the speaking was over; he said yes, it was over. I walked along leisurely, and when I got about half way, I heard the disturbance commence—the hallooing in the streets. As soon as I got in sight, I saw the whole face of the country scattered with colored people running in every direction, and a great stir and dust in the street, and I ran as hard as I could to the scene, and set to work to quiet it.

DEMOPOLIS, ALABAMA, *October* 27, 1871.

WILLIAM B. JONES sworn and examined.

By the CHAIRMAN:

Question. State your name, residence, and occupation.

Answer. William Burley Jones; am a planter, sir; I reside at Demopolis, Marengo County.

Question. Are you a native of the State of Alabama?

Answer. I am.

Question. Have you resided here all your life?

Answer. Yes, sir.

Question. State what official positions you have held.

Answer. Well, sir, in 1860 I canvassed this district—my county here—for Bell and Everett. The war came on; I joined the fourth Alabama regiment, company D. I was in the first battle of Manasses. After that, was discharged on account of disability from *fistula in ano*. I then came home. I then joined General Morgan's regiment of partisan rangers; was discharged at Huntsville, on account of the same disease, from that regiment. I then came back home, and proceeded, with recommendations from the Hon. F. S. Lyon, to Mississippi, to General Bragg, to be appointed an officer under him. My application was denied. I came back home, and was then on detached service in the ordnance department, at the city of Montgomery. While at the city of Montgomery they called a large war-meeting; many prominent speakers spoke at that time; I was called upon to speak; I did so, and I have in this book [presenting a large scrap-book] a notice in the democratic paper, the Montgomery Mail—I consider it very complimentary—about my address at that time. From Montgomery I was sent on duty to my county, to buy up lead for the southern army; and while here General Wilson's raid with the army of Federal troops cut me off from Montgomery. A little while after that General Lee surrendered. I then came back home and remained here until 1866—I think it was 1866 or 1867—I can tell exactly by referring to this book.

Question. You can do so if you wish to.

Answer. [Examining book.] April, 1866, was the time I ran for mayor of this city, against one of the most prominent and popular men known in this town, Hon. A. M. Henderson, who is now superintendent of public instruction for the State of Kentucky. I beat him very badly for the office. I held that office, subsequently resigned on account of ill health, as I can show here in this book also. Now, I wish to read what the council wrote in regard to my resignation at that time.

The witness read as follows:

"COUNCIL CHAMBER,
"*City of Demopolis, August* 20, 1866.

"SIR: At a meeting of the city council, held this day, I was instructed to notify you of the acceptance of your resignation upon the reasonable grounds set forth in your letter, (sickness;) to express to you the thanks of the council for the energy and ability with which you have administered the affairs of your office, and to assure you of their high regards and good wishes.

"I am, sir, your obedient servant,

"D. M. TALIAFERRO,
"*Secretary.*

"Hon. W. B. JONES."

I went to Virginia, and came back in the fall. In 1867 the constitution was submitted to this State for ratification.

Question. In 1868, was it not?

Answer. Yes, sir. It was adopted November, 1867, and submitted in 1868. I voted for that constitution as a republican, the first republican vote I cast here.

Question. Did you advocate its adoption in a public address?

Answer. I did, sir, advocate its adoption. I refer to this book again to show that I was after that re-elected to the office of mayor in this place, after the adoption of this constitution. [Referring to book.] In 1868 I was elected to the office of mayor again in this place, over E. A. Taylor, an elder of the Presbyterian Church. I beat him 45 votes. I had the honor and pleasure of beating a Protestant preacher first, and then an elder of the Presbyterian Church next.

By Mr. BUCKLEY:

Question. At what time was that second election?

Answer. It was an election that was called here. I do not know exactly when, but I can show you here.

Question. What year?

Answer. In 1868, I think it was, to the best of my knowledge; and I will show you here, if the chairman will allow me, what I did at that time to allay excitement in this town, as the mayor of this city.

The witness read as follows:

"MAYOR'S OFFICE, DEMOPOLIS, ALABAMA, *September* 1, 1868.

"*To the male citizens of the city of Demopolis between the ages of eighteen and fifty:*

"Whereas credible information has been received at the mayor's office of the city of Demopolis, that armed freedmen have been ordered into this city on Saturday, the 5th instant; and whereas like information has been received that the freedmen from Sumter and Greene Counties are coming into this city armed on Saturday, the 5th instant: Now, therefore, in consideration of the above, I, W. B. Jones, mayor of the city of Demopolis, by virtue of the power invested in me by ordinances of said city, section 8, do call upon every male citizen between the ages of eighteen and fifty to be prepared to suppress any riot or affray that may occur on Saturday, the 5th instant.

"W. B. JONES, *Mayor.*"

By the CHAIRMAN:

Question. In your two elections for the mayoralty of this city were you supported by democrats?

Answer. I was supported by both white and black.

Question. What position did you hold subsequent to being mayor?

Answer. I was elected, at the first general election of this State, State senator from this district.

Question. How long did you serve as senator?

Answer. I am still serving, sir.

Question. When will your term of service as senator expire?

Answer. I am unable to tell you; there are differences of opinion among the lawyers as to when it will terminate. It was thought that last year it ought to have terminated, and it is said that this year we shall draw for seats—draw lots. The constitution here can express that much better than I can.

Question. Are you a candidate at this time for any office?

Answer. Yes, sir; I have been up to this time.

Question. What office is that?

Answer. The sheriff of this county.

Question. Have you, as such candidate, had occasion to address public meetings in Marengo County?

Answer. Yes, sir.

Question. Have you been interfered with on such occasions?

Answer. I have, sir.

Question. You may state the particulars of the disturbances or interruptions both at Linden and McKinley.

Answer. I would rather now inform this committee what position I held as a Grant and Colfax elector.

Question. You can do so at this time if you prefer.

Answer. In 1868 I was chosen by the republican party as a Grant and Colfax elector of this district. I came home here and made one Grant and Colfax speech here in this town. Shortly after that an occurrence took place, which I do not wish to mention here before this committee, of a personal nature. I declined to serve as a Grant and Colfax elector, and I telegraphed General Clanton the following:

"DEMOPOLIS, ALABAMA, *August* 19, 1868.

"General CLANTON:

"You will please hand the within card to Colonel Glascock and have it published in the Picayune."

Question. Was General Clanton at that time chairman of the democratic central committee?

Answer. According to the best of my recollection, he was chairman of that committee then, and until his death.

"I make a conservative speech Saturday next."

I have a copy of that speech now with me.

"Am going around for Seymour and Blair. I am right now.

"Let me hear from you.

"Yours, truly,

"W. B. JONES."

"DEMOPOLIS, ALABAMA, *August* 19, 1868.

"THOMAS O. GLASCOCK,

"*Chairman Republican Executive Committee, Montgomery, Alabama:*

"I respectfully decline to serve as elector for Grant and Colfax in the fourth congressional district.

"Yours, truly,

"W. B. JONES."

Question. Did you after that advocate the election of Seymour and Blair?

Answer. I did, sir, very vehemently.

Question. Until the close of the canvass?

Answer. I had the honor of voting for the gentlemen, both of them, Seymour and Blair.

Question. If you have finished the references you wish to make to that, I return——

Answer. I wish to state further that the few weeks I was in the democratic party I was treated most cleverly; could speak wherever I wanted to, whenever I wanted to, and in any way and any manner that suited me; use such words and phrases as I deemed proper; no interruption, no molestation, whatever. After that, I came back to the republican party, after Grant's election. I then began to speak for the republican party and its principles, and free speech was denied me.

Question. Upon what occasions, and under what circumstances, was free speech denied you?

Answer. Well, sir, after that I proceeded to Belmont, Sumter County, to make a Fourth of July oration. I was met——

Question. That was in 1869, the year following?

Answer. No, sir; that was on the 4th of July, 1870. A crowd of men came up to where I was and began to curse and abuse me. I took it all very well. Finally, I concluded to stop speaking to preserve the peace of the community.

Question. Were you threatened on that occasion, or any demonstration made that seemed to indicate violence?

Answer. I was, sir.

Question. Why were you obnoxious to the crowd?

Answer. Being a southern man, born and raised here, having every interest at heart that all their people have, I could not imagine, unless it was on account of my being a republican.

Question. From whom, or from what party, did the interruption proceed?

Answer. From the democratic party; members of that party.

Question. Were any reasons assigned for interrupting you?

Answer. None, sir; only they did not want to hear a "damned radical" speaking.

Question. When was the next occasion in which you made a public address and were interrupted?

Answer. Well, sir, in 1870, I believe. It was last year when the general election came off. I was interrupted frequently, sir; at one time at Shiloh, in this county; subsequently at Greensborough.

Question. In Hale County?

Answer. Yes, sir; there was a row there; they ran the then attorney general of the State, Josiah Morse, off of the stand three or four times.

Question. You were at this meeting, advocating the election of the republican ticket last fall?

Answer. I was, sir.

Question. Were you interrupted because of this advocacy?

Answer. Yes, sir; I know no other reason.

Question. What was the character of the interruptions?

Answer. Pulling out pistols and drawing bowie-knives.

Question. What was said to you?

Answer. There was not so much said to me as to the other speakers.

Question. What was said to the other speakers?

Answer. That they did not wish to hear the damned radicals speak; that they had no use for republicans.

Question. Were any meetings broken up by these interruptions?

Answer. Yes, sir; there were several speakers at Greensborough who did not speak, who would have spoken had not that fuss occurred.

Question. Did these interruptions proceed also from democrats who were in the crowd?

Answer. Yes, sir.

Question. You may proceed and give any other instances where public meetings that you attended were interrupted or disturbed, and the cause?

Answer. Well, sir, those were at Shiloh and Greensborough, and at Linden the other day, and I have got other appointments now that I was to fill, and I am afraid, sir, to fill them. I am staying at home on that account. I was to have spoken at McKinley to-morrow, and I do not go. I believe my life would be taken.

Question. Were you interrupted in your speech at Linden?

Answer. Very much so, sir.

Question. When did that occur?

Answer. That occurred on the 7th of this month.

Question. You may state to the committee the particulars of the interruption.

Answer. I proceeded from my home on the 6th of October; I went within five miles of Linden and staid all night. The next morning I hoisted the United States flag and proceeded to Linden. About a mile and a half on the north bank of the Chickasabogue I was fired upon by some one concealed in the bushes, whose name I did not know at that time, but whose name I know now. I went on to Linden nevertheless. On arriving in Linden I went to Mr. Northrop, the keeper of the hotel, and asked him for a room. He gave me a room. I dressed myself and walked out upon the street to see how the people were; they had always been very glad to see me down there on account of a local matter—getting a court-house for them through the legislature—and I thought they had nothing against me more than my political opinions. I went out to see them. I soon went back to my room. After being in my room a short while, Captain C. L. Drake, United States commissioner, called on me. He asked me, "Doctor, what time do you propose speaking?" I said, "At 1 o'clock." About that time I proceeded over to the court-house, a man carrying the flag; I walked in my usual manner and went up the steps, had a table put there, stood up and surveyed the crowd. It was a tremendous crowd, about five hundred, I presume, to the best of my knowledge, and I looked at the crowd, as I generally do, to see—to examine the countenances as well as I could, and the feelings; and I saw a great many strange white faces from Choctaw and from the lower part of the county. I began my speech, as speakers generally do, with the common phrase of "Fellow-citizens." A fellow walked up right in front of the crowd and says, "Fellow-hell, you damned rascal," or "damned scoundrel," or something to that amount. I said, "Thank you, sir." I began again. Then several in the crowd began to curse me. I went ahead. I spoke, I reckon, about ten minutes, the speaking and the cross-firing at me, and the reading of some resolutions that the people of Linden had passed about me—the democrats had passed about me in convention assembled—and I would like very much for you to hear these resolutions.

Question. Well, if they are not too long, you may read them in this connection.

Answer. I think it is about the most complimentary thing that has been said about me here lately, and I would like for you to see how I stood at that time. [Examining book.] I do not suppose there is any use to read the preamble; you simply want the resolution, and that this is in connection with me.

By Mr. BUCKLEY:

Question. Give us the date.

Answer. The date, I think, was the 18th of December, 1869. I was a republican at that time.

By the CHAIRMAN:

Question. You were in the senate at that time?

Answer. I was.

The witness then read as follows:

"3d. That Hon. W. B. Jones, the senator from this county, was born and raised in our midst, and we knew and had such confidence in him as to justify the belief that he would do us justice in this matter."

That may require a little explanation; that is, in pressing the passage of a bill to locate the county-seat at Linden.

"4th. That our senator deserves, and is hereby tendered, our heartfelt thanks for his ability, energy, and the great influence he exerted in pressing the passage of this bill through the legislature, and we are bound by every sense of justice to say, 'Well done, good and faithful servant.'

"5th. That political sentiments or differences in politics have nothing to do with our local affairs, and we have learned to tolerate a difference in political sentiments, and truth, justice, and magnanimity are the same, coming from every source.

"6th. That the services of Dr. Jones, and those who aided him in this noble act, shall be held in grateful remembrance by us, and that we will uphold them as our faithful sentinels on the watch-tower, and we hope they will continue to guard the interests of the county."

This meeting was presided over by Dr. Riddle, chairman, and Henry A. Woolf, of that place, secretary.

Question. Were they democrats?

Answer. They were, sir; deep-dyed in the wool.

Question. That was a public meeting, as I understand, of the citizens of Linden?

Answer. Yes, sir; and I have been trying to find a letter from the ladies of that place who invited me down to make them a speech, but I have been unable to find it.

Question. It has been testified before the committee that you admitted having received compensation for your vote, for your influence in the removal of the county-seat from Demopolis to Linden. You may state to the committee the facts in relation to that charge.

Answer. Can I ask a question?

Question. Yes, sir.

Answer. I do not presume you would tell by whom those accusations were brought?

Question. Perhaps it is not proper that we should give you particulars.

Answer. I will go on and state: Henry Ashby Woolf, of Linden, came to Montgomery, and took me in my room; says he, "Well, I wish to make a proposition to you." I said, "Well, what is your proposition?" Says he, "I know that your services are worth something in this legislature, being away from your planting interests, and there are lawyers in that legislature, and I wish you to use your influence, and $500, in having that bill shaped so that there will be no stop in it," so it would "hold water," as he expressed it. I said, "In taking this money, Mr. Woolf, I wish you to distinctly understand that I do not receive one cent of it." He said, "I have no money with me." Said I, "Perhaps I can fix it with these lawyers so that you can pay this $500 afterward." He said that was necessary. I arranged the matter in that way, and when I came home he paid me the $500. Not one cent ever went to me.

Question. You never appropriated any part of it to your personal benefit?

Answer. Not one cent of it, sir, not one cent; and these resolutions were passed after that.

Question. Having read these resolutions, you may now proceed with the narrative of your speech, and the manner of your interruption?

Answer. At Linden?

Question. At Linden.

Answer. Well, sir, I have published a statement of my speech in the paper; I do not wish to go over that; perhaps the members of this committee have seen that.

Question. Did you say anything in that speech to create an antagonism between the two races?

Answer. I never did, and never have in any speech I have ever made, and why should I—a native man, owning property here, identified with the interests of this State, as every other citizen?

Question. Were you a slave-holder before the war?

Answer. I owned eighty-six of my own, and my father would have given me forty—perhaps about that number.

Question. Did you in that speech charge any democrats with trying to get on the republican ticket?

Answer. I did, and am able to sustain that charge.

Question. What was said when you made that charge?

Answer. I was called a damned liar.

Question. Are you through now with the description of the interruptions of the Linden meeting?

Answer. No, sir.

Question. Proceed in your own way and give an account of the whole affair, and how it terminated.

Question. I was called a damned liar. Perhaps you do not understand the nature of the primary election which was held here some few weeks since. There was a primary election held for the purpose of nominating democrats, in the place of holding a convention, the democrat who received a majority of the votes cast was to be declared the nominee of the democratic party. During that contest I received visit after visit from some of the democratic candidates to use and exert my influence in getting the colored people to vote for them to nominate them. My reply invariably to them was, "How do you expect to be elected if you have not enough men to nominate you?" This is the charge that I made upon the democrats at Linden. The sheriff of this county, Jacob Michael, jr., wrote a note to General Dustin, of this place. He said in that note, "Any arrangement you may make with W. B. Jones will be satisfactory to me." That arrangement was for me to decline running upon the republican ticket, and let this democrat, Michael, take my place, and run through on that ticket. Well, there was a man walked up in front of me, at Linden, and said, "Damn you, you go for a brave man, and when we get you to yourself, you won't fight." I asked him if that was to myself and alone. Says I, "How many are on one?" He said, "I am one man." They had abused me and maltreated me. I took my watch and my pocket-book and my pin off, and gave them to the sheriff, and told him if I was killed, to take them to my wife, and I went down to fight this man a fair fight. I thought he was imbued with southern principles as well as I, and that the crowd was. When I went down, I was addressing myself to him. Before I addressed myself to him, however, I told the negroes, "You colored people get back from here; you have nothing to do in this fight." Says I, "This man has proposed me a fair fight, and I am going to fight him, and if you do not stand back, I will fire into your crowd." And I told the white people to stand away, and let us have a fair fight, and they seized me, six of them, with double-barreled shot-guns, and disarmed me, and held me hostage.

Question. Did you tell the negroes at any time they had to form into line?

Answer. I did not. When they were punching me with their guns, and banging me over the shoulders and over the eye-brows, says I to the colored men, "My friends, put down your guns; let Will Jones die, but let Linden live." I knew the sentiment, and that that town would be burned if there was a riot; but I kept down all fuss, and if it had not been for me there would have been a fuss. To show that the leading democrats contemplated a riot, when I went to get into my buggy they told me, "You have a powerful influence over this people; tell them to go home and attend to their business; we are afraid trouble will result yet." I told the colored people to go home; I asked them if they would do so, and they said they would, and they went away in peace. No colored man fired a gun. This same white man who dared me down to fight him shot a horse of a black man and killed him, and the boy has received no compensation for his horse yet from him. While there in the court-house, I could hear them hallooing, "Burn him up," "Shoot him," "Kill him;" and had it not been for Judge Young, Dr. Riddle, and Mr. McNeill, I would have been killed; I do not suppose any one would doubt but what my life was in danger. When I came out, just before I got into my buggy, a man named Hersey, a one-armed man, who lives down below Shiloh, says, "Jones this is a white man's government, and we intend to kill"——I will just read his words; I have got them down in a book—[consulting note-book]—"A white man's government; we will kill out until it is so." Says I, "This matter is settled, sir," and the crowd told him to desist from talking that way.

Question. Did you, while in the court-house, sign a card, withdrawing from the canvass?

Answer. Yes, sir; I have that with me.

Question. That card has been read to the committee already. You may state why you issued that card.

Answer. I issued that card upon what Judge Young and Doctor Riddle told me—that they had exhausted all means for my escape.

Question. Was that card drawn up by you, or drawn up by some one else for you to sign?

Answer. I have the original.

Question. Who was it drawn up by?

Answer. By Mr. Woolf, a lawyer in that place, [producing a paper.]

Question. Are the causes for your retiring from the canvass correctly stated here—"in order to quiet political excitement in the county, and for the preservation of peace and good order?" Are these the true reasons, assigned in this card, for you retiring?

Answer. The true reason was to get my life spared me and to get home to my family.

Question. What effect did the signing of that card and the reading of it to the crowd have in allaying the excitement?

Answer. It allayed the excitement of those who pretended to be drunk. They were sober in a moment, guarded me through the swamp, and were really the cause in fact of my being here now.

Question. You are of opinion, then, that it was all a pretense—their being drunk?

Answer. It was a pretense; drunken men cannot become sober so quick.

Question. What number of men had arms upon that occasion?

Answer. Well, sir, there were more guns there than they could use. When this fuss began by these democrats I saw a man come around from the court-house with, it looked like, about eight guns in front of him on a horse, and a justice of the peace for the beat of Linden, Mr. Jackson, had a double-barreled gun on that occasion—a queer way of establishing peace.

Question. It has been testified before the committee that the whites did not arm themselves until the negroes had made a hostile demonstration with arms in their hands; that the white people then ran to their houses and stores, and provided themselves with guns, pistols, and hatchets. What is your information in regard to that?

Answer. I have had occasion to address large crowds, large assemblages, when I was trying to have Mr. Seymour and Mr. Blair elected, and I never saw a more peaceable assemblage in my life. It is true that the negroes had some guns, but if you will go with me to this circus that is exhibiting under this window now out here, even go to a circus, I will show you more guns than there were at Linden. Negroes have them to protect themselves along the roads as far as possible from Ku-Klux assassination, or assassination from those disguised people.

Question. Is it true, then, as alleged here by witnesses, that the arming of the whites did not take place on that day until the negroes had made a hostile demonstration?

Answer. These negroes never made any hostile demonstration, with the exception of twelve who came up to rescue me from those people, and I stopped them. The white people were armed with pistols.

Question. When they first came on the ground?

Answer. Yes, sir; when they first came there; and this man who asked me down to fight him had his pistol half way out of his pocket when I first went down. And a Mr. McNeill told me here in town, day before yesterday, that his old pistol would not revolve—this man who wanted to fight.

Question. Did you see any white people leaving the crowd and running to their houses or the stores for the purpose of arming themselves?

Answer. Yes, sir; I saw them going to get better arms than they had—guns.

Question. At what stage of the trouble did that occur?

Answer. That was when they had me there punching me with their guns and pistols.

Question. How many armed white men do you think there were on the ground?

Answer. I think there may have been about thirty; not less.

Question. Before that?

Answer. Yes, sir. To show that my political opinions were the chief cause of my treatment at Linden, as soon as I signed that paper it was allayed. That proves to my mind political persecution.

Question. It is said that you advised the negroes to go armed upon the ground that day. What is the fact in relation to that?

Answer. I have heard that they have a letter in this county purporting to come from me, advising the negroes to arm themselves. I have requested them to produce that letter before this committee, and it may be here now. I have never heard of its being here.

Question. If you wrote any letter of that character, you may state its contents, so far as your recollection serves you.

Answer. I never wrote such a letter, sir; and why should I wish to write such a letter? I have property here, and I know mine would be the very first burned and I the first man killed if a fuss of that sort were to take place in the community.

Question. Did you advise the negroes to attend the meeting at McKinley armed?

Answer. I never did advise the negroes to attend any meeting armed.

Question. Have you finished all you wish to say in relation to the trouble at Linden?

Answer. No, sir. When in this room Judge Young and Dr. Riddle told me they had exhausted every means for my escape, says I, "Gentlemen, is that so?" They said, "It is. We believe you will be killed." Says I, "Judge Young, you are a lawyer; write my will; I have made a will, but I wish to make some corrections." Dr. Riddle then said, "I will get a fleet horse for you. You jump out of the clerk's office and run along the hall, and get up on that horse and make your escape." Says I, "Dr. Riddle, born as I was within five miles of this court-house, within five miles of the home of my childhood, within the walls of the court-house that my energy, ability, and industry has caused to be here, that I had done no crime, that I had made no speech; if it was a crime for me to be an upholder of the General Government and an advocate for the administration of General Grant, and death is to be the result, let it come; I will not

flee in such a way, like a fugitive from justice." Then it was reiterated. This thing [card] came up.

Question. Did you suggest that card, or was it suggested to you?

Answer. I did not suggest any card. I suggested to let me go out on the balcony of the court-house and proclaim from there that I would withdraw from the canvass for the office of sheriff, and asked would that spare my life. Dr. Riddle and Judge Young told me they would kill me before I could bat my eye if I were to go out there. I went then and suggested this to Ashby Woolf, and Dr. Riddle, or Judge Young—I do not remember which one—he wrote that thing off and brought it to me to sign.

Question. You issued that card, then, as a means of saving your life?

Answer. Yes, sir; and no sooner had I got home (4 o'clock next morning) than I wrote him a reply to that. I wish he had produced it before the committee. I told him in that card, as for peace and tranquillity, as expressed in this agreement, that I had always been in favor of peace, and so was every member of the republican party.

Question. Was any contempt shown to the flag of the United States on that day?

Answer. Yes, sir; I am told—I never saw it—I am told by colored people that the flag was cut. I have the flag in my possession now, cut.

Question. You do not of your own knowledge know how it was cut?

Answer. I do not know who did it, but the colored people told me some white fellow went there and cut that flag.

Question. Have you finished now all that you desire to say in relation to the public meetings at Linden and at McKinley? I believe you did not attend your appointment at McKinley?

Answer. I had two appointments at McKinley. I had one on the 14th.

Question. Why did you not attend that?

Answer. For the peace and safety of this county.

Question. Were there any threats made in case you attended and addressed the people?

Answer. Yes, sir; numbers of colored people came and told me if I went there I would be killed.

Question. Did you desist on that account?

Answer. I did, for the same reason that I do not go to-morrow.

Question. You have an appointment to speak there to-morrow?

Answer. Yes, sir; and for General Minnis, United States district attorney, and General Warner, and I have their letters here saying they cannot go.

Question. Why do you not go yourself to-morrow?

Answer. Afraid of assassination, sir.

Question. Do you know of any whipping or other outrages committed upon colored men in this county, or other adjacent counties?

Answer. Yes, sir; I know of them, not of my own knowledge; I did not see the whipping done, but saw the man after he was whipped, incarcerated in the jail here.

Question. Was it the man Lewis?

Answer. Richard Lewis.

Question. The man arrested on the complaint of Dr. Smith?

Answer. Yes, sir; he was very badly whipped.

Question. Did you see him after he was whipped?

Answer. I went into the jail to see him; he was very badly whipped.

Question. Did you hear from him the particulars of the whipping?

Answer. I inquired.

Question. You may state the result of your inquiry, if you believe the information to be reliable.

Answer. He told me that he was whipped by General Godosky, a man who represented himself as having been in the confederate army, but he was an impostor upon this community; a man named Jordan Oakley, who died since this Linden fuss, whipped to make acknowledgment that he shot at Dr. Smith. I told him, "Lewis, be particular in what you tell me; was this whipping done before or afterward?"

By Mr. BUCKLEY:

Question. Before or after his arrest?

Answer. Before or after he acknowledged. He said it was done to make him acknowledge it.

Question. Was he under arrest at that time?

Answer. He was, sir.

Question. In charge of a deputy marshal or constable?

Answer. Yes, sir; so I understand.

By the CHAIRMAN:

Question. Did he tell you whether the confession he made was true or not?

Answer. He said it was not true; that he would not have acknowledged it had he not been whipped into it.

Question. Did you understand that Dr. Smith was the prosecutor on whose complaint he had been arrested?

Answer. I did not. No, sir.

Question. Did you understand whether Dr. Smith was present at the time he was struck?

Answer. I did not ascertain that.

Question. Where did the whipping take place?

Answer. In the neighborhood of Jefferson, close to where old man Robin Westbrook was killed by disguised men.

Question. When did this whipping occur?

Answer. I think, sir, it was in September, some time.

Question. Lewis has made his escape now, I understand?

Answer. Yes, sir.

Question. Have you ever inquired into this matter of Dr. Smith to satisfy yourself whether he was ever fired upon in fact or not?

Answer. Well, sir; some colored people have told me they did not believe he was fired into by any colored people; that it was done to blind the killing of old man Robin Westbrook.

Question. To get up the impression that there were colored Ku-Klux?

Answer. Yes, sir, that was it. I will state another fact that I know; that the democratic sheriff, Mr. Michael, of this county, has never put himself to any trouble or any anxiety to arrest any person for the killing of old man Robin Westbrook.

Question. I was about asking you in relation to that case, whether there has been upon the part of the local authorities or on the part of citizens an earnest effort made to find out who murdered Wesbrook?

Answer. There never has to my knowledge.

Question. Beside the whipping of Lewis, and the murder of Westbrook, do you know or have you information of any other outrages committed upon colored people?

Answer. Yes, sir. There is a man who lives in this town by the name of Prince Evans, who was whipped at Belmont, shortly after my speech there.

Question. State the circumstances of that whipping.

Answer. I know none, except that he gave a barbecue at his house that day, and asked me if I would go down there and partake of his barbecue. I told him I would. He says he was whipped on that account.

Question. Did you understand that he was whipped by men in disguise?

Answer. He was whipped in the night, I believe, sir. I may be mistaken. I think, though, that it was in the night. Another man, who is now on Mr. Lipscomb's plantation—perhaps a man by the name of George Jones, on yesterday, told you something of it—he was badly whipped or shot, I have forgotten which.

By Mr. BLAIR:

Question. Where was Prince Evans whipped?

Answer. In Sumter, at Belmont.

By the CHAIRMAN:

Question. What were the circumstances of the whipping of Jones on Lipscomb's place?

Answer. I do not know the name of the man on Lipscomb's place; but I think his name is Hildreth. I may be mistaken in the name.

Question. A colored man?

Answer. Yes, sir. You do not hear of white ones being whipped here often.

Question. You may state the particulars of Hildreth's case.

Answer. I do not know the particulars, sir. They just went to his house, and whipped him in the night.

Question. How long ago was that?

Answer. It has been within two or three months.

Question. There was an exception in the case of the school-teacher at Major Glover's, Neibling; was not he a white man?

Answer. Yes, sir; that escaped my memory. I called on Mr. Neibling when he was on his way from here going home.

Question. What account did he give you?

Answer. I have his note at my house now. When the whipping occurred—it occurred on the 30th of July, I think—I called on Mr. Neibling at the hotel. I walked in and said: "Is this Mr. Neibling?" "Yes, sir." "Dr. Jones is my name." He shook my hand very cordially. Says I: "What is the matter with you, Mr. Neibling?" He says: "I have a very high fever." I told him I perceived he had fever, but I meant to ask him what he was doing here. Says he: "I have been run away by Ku-Klux again." I said: "Is that so?" "Yes," said he. Says I: "Mr. Neibling, you are a democrat." He said: "I have been one, North." Says I: "Is the democracy here like the democracy North?" Says he: "God forbid that democracy North should ever be like

it is South." Said I: "Do you get all the comforts in this hotel that you wish? If not, I am a republican. None of your democratic friends have extended the hospitality of their homes to you; I open my home to you. Come to my house, and you shall be carried there." He thanked me very cordially, and said he received every attention he needed.

Question. Did you understand he had been visited a second time by the Ku-Klux?

Answer. Yes, sir; that is the reason he had to leave here.

Question. The committee have heard of but one visit; that was in the absence of Major Glover, at the time he was taken out in the night-time and whipped by a body of disguised men. You may give the particulars of the second visit which he received from the Ku-Klux, as you learned them from him.

Answer. He told me the colored men gave him the information that they had heard they would be there, and I understood from the sheriff of this county that they were going there. He left before they got there, and he told me if he had been there he would have been killed. He came here and hired himself to Mr. Adler, a democrat, for clerk—a democrat, recollect—and the democrats went and told Mr. Adler: "If you take that man in here, it will injure your trade; you will meet with some disaster, and you had better not have him to keep your books." Adler did not hire him, and let his brother democrat go back home.

Question. Was that after the Ku-Klux's visit, and after he lived at Mr. Glover's?

Answer. Yes, sir. I have never met a nicer young man than Mr. Neibling—an educated, nice young man, democrat as he is. I felt sorry for the man. I can tell you something about his whipping that is very mysterious to me: that they have found a hat, and have it in their possession now, if they have not given it away, that belonged to that crowd, with an indistinct name on it; and have a dog, said to be a remarkable dog—the prettiest dog that ever was seen—came with that crowd there; and no effort has ever been made, as I know of, to identify that hat and get the dog back to his master.

Question. Did not Major Glover make earnest effort to ascertain who were guilty of this rude visit to his house in his absence?

Answer. I believe he did load up his pistols and guns, and went to Linden and cursed around, and charged a little about it, but it blew over. This man Glover was looked upon a long while as a republican. A notion got out among his friends and relations that he was, and he wrote a card—I haven't it in my scrap-book, unluckily—denying that he was ever tinctured with radicalism; and he came very near getting the nomination for commissioner in our republican convention that assembled here not many days since.

Question. Did he seek that nomination?

Answer. I don't know, sir. His name was presented, and thirty-two other democrats' names were presented before our convention for nomination.

Question. If there was any other case of outrage you can call to mind in either this or the adjoining counties, go on with the list.

Answer. Well, sir, I know of a man named Robert Reid, close to Belmont, in Sumter County; he is here in town now. He was shot, sir, but I presume you can as well get the particulars of that when you visit that county. He is a member of the State executive committee.

Question. A colored man?

Answer. Yes, sir. Since I have thought about my speech at Belmont, some friend of mine propounded certain interrogatories to the democratic press; they tried to attribute that riot to my speaking incendiary speeches. I would like for those questions to be read here.

Question. Was there a riot at Belmont on the occasion of your speaking there?

Answer. Yes, sir; a man insulted me there and we had—I wish this not taken down; I can tell you the particulars of it, and you can decide whether to have it published or not. He walked up in front of me, and said, "Yes, damn you, we know you killed a man; you killed him for having connection with his wife." Says I, "Sir, the jury, composed of white people, have tried me and acquitted me of that crime," and his and my fight was brought on from that.

By Mr. BUCKLEY:

Question. What occurred after that?

Answer. After which?

Question. Was that during your speaking at Belmont?

Answer. That was after I had stopped speaking, sir.

By the CHAIRMAN:

Question. Was that the day Robert Reid was shot?

Answer. No, sir; he was shot after that.

Question. For what offense was he shot?

Answer. I cannot state that to you, sir.

By Mr. BLAIR:

Question. What did the man say you killed a man for—having connection?

Answer. He said, "Damn you, we know you have killed a man, and it was for your having connection with his wife;" and the fight he and I had was upon that, sir.

Question. You had a fight with him on that account?

Answer. Yes, sir. I did right there that day. The democratic papers said I got badly whipped in it. I was satisfied.

Question. You had a fight with that man at Belmont that day?

Answer. Yes, sir.

By the CHAIRMAN:

Question. That made this charge?

Answer. Yes, sir; the man that made this charge; I would fight him again if he was to make the same charge.

By Mr. BLAIR:

Question. Were you tried?

Answer. Yes, sir.

Question. For killing a man?

Answer. Yes, sir.

Question. Here in this place?

Answer. Yes, sir.

Question. When?

Answer. It was when I was canvassing for you, sir, in 1868.

Question. At what place was the fight?

Answer. Right here.

Question. In this town?

Answer. On the highway.

Question. In this town?

Answer. Yes, sir.

Question. What was the man's name?

Answer. Jackson—Marion Jackson. I do not wish that to be published. You can inquire of the lawyers here in the courts about that; that has been all settled by the courts of the country. I would not like that to be stirred up again.

By Mr. BLAIR:

Question. What did that fight originate in?

Answer. In his attacking me.

Question. He attacked you?

Answer. Yes, sir, right on the highway; that has got nothing to do with this matter, though—his and my fight. Mr. William E. Clark, here, was my lawyer, and is still my lawyer.

By the CHAIRMAN:

Question. When I was interrupted by General Blair's question, I was asking you the particulars of Robert Reid's being shot, so far as you know.

Answer. I do not know the particulars.

Question. Do you recollect any other cases, at this time, of outrages upon the colored people?

Answer. Well, yes, sir; I know of Richard Burke, a member of the legislature, having been killed.

Question. When did that occur?

Answer. That occurred after the adjournment of the legislature, in 1869; I believe the latter part of 1869 or the first of 1870.

Question. Was that in this county?

Answer. In Sumter County, near Gainesville. He, sir, was a member of the congressional convention—no, he was not a member of the convention; it was another man who was killed, who was a member of the State convention.

Question. What was he killed for?

Answer. I cannot tell you, sir. He was in Major Hays's neighborhood. Guilford Coleman was his name.

Question. Do you know of any punishments being inflicted, or any prosecutions instituted, for the killing or whipping of any of the men you have mentioned?

Answer. None in this county, sir, to my knowledge.

Question. I will ask you to state your opinion to the committee as to whether there would be any practical difficulty in finding out the authors of these outrages upon colored people, if there was an earnest, determined effort upon the part of the white people in the community to do it?

Answer. I believe, sir, that they could be found out within forty-eight hours. I base that opinion upon this: that no community could have such depredations committed upon

it, unless the property-holders of that community knew something of it. These men have to be fed; their horses have to be fed; they have the finest pistols and the finest guns. It takes money to buy all of those things. They are generally a set of people who have no interest, and they must be kept up by those who have an interest.

Question. Your opinion then is, that if an effort was made, it could be easily ascertained where they got their pistols, ammunition, and horses, and where they have been fed?

Answer. No doubt of it in the world. The men who killed old Robin Westbrook could have been found out from this fact, if from no other: he hit one of the men who came into his door after he was shot down, with a fire-dog, in the head, and I am told that that man lay at the point of death some time, sir.

Question. As a general rule, what has been the disposition of the communities in which the outrages you have detailed were committed, in regard to bringing their authors to justice?

Answer. If their disposition has been to arrest the offenders, it has never been made known to me.

Question. Have these outrages been generally committed upon men of one political faith?

Answer. I have never heard of but one case, but one exception to that, and that was the case of Mr. Neibling, and he was whipped for teaching a colored school.

Question. What has been the general tone of the democratic newspaper press in Alabama, in respect to these alleged Ku-Klux outrages and disturbances; have they generally denied their existence, have they condemned these disturbances, or have they sought to palliate or justify them?

Answer. In the course that the democratic newspapers of this State have pursued, they have done more to perpetuate this organization than they have ever done to put it down. And the very fact of those papers treating in a scurrilous manner, and in a devious way, in a doubtful way about this organization, is sufficient of itself to confirm me in the belief that there are such organizations in this State. When they see, by telegram, where a man has been killed in New York—John Smith, killed at such a time, and such a place—they add a little more to it, thereby ridiculing the idea of Ku-Klux being here when they know in fact they are here.

Question. Is it your belief that there is such an organization in the State of Alabama at this time?

Answer. There is not the least doubt upon earth, in my mind, but what there is an organization of some sort in this State to break down the republican party and its strength. It was manifested at the last election which was held here.

Question. Do you think that organization extends into the different counties in this part of Alabama where you are acquainted?

Answer. Yes, sir; I believe, sir, that that organization exists now in Marengo, Choctaw, Sumter, Greene, Pickens, Tuscaloosa, and a portion of Hale.

Question. You may give to the committee your reason for this belief.

Answer. My belief is founded upon the numerous outrages that have been perpetrated and not one of them brought to justice.

Question. Are these outrages condemned and denounced by the democratic party generally?

Answer. Well, sir, such men as Mr. Lyon, of this place, and William E. Clark, have denounced such organizations, but while they denounce them others pass them by in a quiet, easy, submissive way.

Question. Your opinion, then, is, that the primary or principal object of this organization is to control political results, is it?

Answer. There is no doubt of it, in my mind, and they did it in the last election.

Question. You refer to the general election last fall?

Answer. The gubernatorial election.

Question. When Governor Lindsay was elected?

Answer. Yes, sir.

Question. You may give some of the political results in Greene and Sumter Counties.

Answer. Greene County gave President Grant 2,205 majority, I believe. A row occurred at Eutaw last year, just before the election.

Question. Before the governor's election?

Answer. Yes, sir; and that county, which gave Major Hays 2,250 majorty in his first election, as congressman——

By Mr. BUCKLEY:

Question. In 1869?

Answer. I believe it was in 1869—and gave President Grant 2,205 majority, turns, after this riot, and gives 43 democratic majority.

Question. It has been stated in evidence here, by Governor Lindsay, that if that riot had not occurred, he believed that he would have carried Greene County by a majority of 500 democratic votes. Is that your opinion?

Answer. If the republicans had had a fair election in Greene County and Sumter County, Governor Lindsay would never have been in the gubernatorial chair this day.

Question. So you do not concur with the governor in that remark?

Answer. No, sir; and not only would Governor Lindsay be out of that seat, but every office would now be filled by republicans in the capitol at Montgomery, if we had had a fair election in those counties.

Question. How was it with members of the State legislature?

Answer. They would have all been elected republicans.

Question. Were they defeated on the same ground?

Answer. Yes, sir, of course.

Question. Did not that have a direct bearing on the election of a United States Senator in your State?

Answer. It defeated him, sir, in a measure; and I go further: there is not a gentleman in this committee-room who could have gone in the southern portion of Marengo County, in Choctaw, in Sumter, and in Greene, and made a republican speech before this committee came here for investigation; I say before, because many of them have been here now, and have seen you, and would know you if you were to go there, and would allow a peaceable meeting to be held; but before this, you could not have done it. I know from this fact: there is Governor Smith, who appointed to office all through the State of Alabama, (and in this county, too, Mr. McNeil upon my recommendation,) who was in favor of general amnesty and universal suffrage, General Smith, I mean, and General Warner, who had advocated that on the floor of the senate in opposition to General Spencer; they went, with Lewis E. Parsons, to Livingston and Eutaw, to make republican speeches, with a United States general at their heels, and they can give you a pretty good history of it, and have, I reckon.

Question. They have testified in regard to that.

Answer. Then it is no use for me to give details of that.

Question. From what you know of public sentiment in this portion of Alabama, by long residence here, do you think that republicans are safe now in advocating their principles publicly, through this portion of the State?

Answer. No, sir; and I believe now, as high as the southern people here seem to hold General Blair in their estimation, that if he were to walk out of this committee-room, and stand on the stump out there and say the reconstruction acts, in his opinion, are constitutional, and say, "I am from this day out a republican, and in favor of republican measures," he, too, would be sleeping at a hotel like the rest of this committee. That is all that makes the difference in this country, politics; whether he is a democrat or a republican.

Question. I desire to ask you a few questions as to the last election in your own county. Were republicans afraid to express their sentiments at the ballot-box, and vote for the candidates of their choice?

Answer. I am proud to say, sir, that at that time Marengo County, which gave Grant 914 majority, in the last election gave the republican 1,875, after I canvassed the county, though at McKinley, the place where they now have sent for United States troops to protect them and preserve peace and order, they closed the box up and would not allow the people to vote, thereby losing the republican party about 600 votes.

Question. Will you tell the committee how that was done? Give us, if you please, an account of it.

Answer. At McKinley? I will give it in a very few words. I am told, and know it to be a fact, for no returns were made from that box, that the polls were not opened there.

Question. Do you know the reason assigned for not opening the polls?

Answer. I do not know, unless it was the tremendous crowd of republicans present wanting to vote.

Question. Is that a strong republican portion of the country?

Answer. I think there are about 600 voters in it.

Question. Mostly republicans?

Answer. I think there were about one hundred democratic votes at that time in that beat.

Question. Were the voters there to deposit their ballots, and did they have no opportunity of doing so election day?

Answer. Yes, sir.

Question. And the officers did not appear to hold the election?

Answer. No, sir. Still, this democratic sheriff of this county, who wishes to preserve peace, to do fair, made no efforts whatever to have the box opened there.

Question. It has been stated here in evidence, Mr. Jones, that it is reported that you told the negroes that if they would not work for the white people they could not pay their taxes, and would be obliged to sell their lands, and thereby colored men could get homesteads.

Answer. I would suffer very much by that, owning over a thousand acres of land in this county.

Question. Did you ever make such a remark?

Answer. Never. It would not be my policy to do it, being a land-holder here, and working at this time thirty-two freedmen on my plantation.

Question. Do you think either race would be benefited by the dissemination of such doctrines?

Answer. It would be very detrimental to the interests of the country. It would be almost as detrimental as these bands of disguised men, who are breaking up the planting interest in this country.

Question. By disorganizing the labor system?

Answer. Yes, sir; completely disorganizing it.

Question. It has been stated that in these strong republican counties you have attempted to keep up an excitement and animosity between the races, and secure thereby some political preferment; has that been your course or policy?

Answer. To show you, gentlemen, that I had no wish for office, I was appointed consul to Brindisi by President Grant. I declined it. I was afterward asked if I would take the mail agency for Alabama and Mississippi, and I declined that also. I preferred staying at home with my people and pursuing my humble position as a planter.

Question. Then, do you repel this charge of having made inflammatory speeches?

Answer. Most assuredly I do; and it strikes me, if I am that wholesale incendiary and inflammatory speaker that the democrats say I am, why they have not long since caught me, by having a reporter and taking down these speeches?

By Mr. BLAIR:

Question. What is that?

Answer. I will repeat: If I am this wholesale incendiary and inflammatory speaker that the democrats and the press of this State say I am, why have they not had a reporter at the places, and taken down the inflammatory speeches, and thereby condemned me out of the words of my mouth?

By Mr. BUCKLEY:

Question. It has been stated here that a report was circulated around that you told the negroes they could not be put in jail for stealing hogs and committing depredations of that kind on plantations; has that ever been a part of your political teaching?

Answer. I have put some in myself for their rascality, and I have bonded out a good many of them, too—out of jail. You asked me if I had been complimented in the democratic papers at any time for speeches made while acting with that party. This book can show you where the democratic press, when I was a Seymour and Blair speaker, heaped such eulogies upon me that I felt uneasy. I have it here.

Question. Did you make speeches at that time in connection with other prominent democrats here?

Answer. Yes, sir; Mr. Lyon and others. We all then rode in the same car.

The witness read as follows:

"SENATOR JONES ON THE STUMP."—This is from a democratic paper published at this place. "This gentleman addressed large meetings of the people at Jefferson on Wednesday, Linden on Thursday, and Dayton on Saturday of last week. Large numbers of the colored people were present on each occasion, and many of them expressed their approbation of his course, and their determination to go with the democracy for Seymour and Blair. Dr. Jones, like Pip's sister, is 'on the rampage,' and understands how to manage the Union League. Go it Jones, and 'Damned be he who first cries hold! enough.'"

"The Demopolis Seymour and Blair Club had a revival"—you see I am a pretty good hand to get up revivals in the democratic circles—"of the good old kind last Thursday night. The club-room was full to overflowing. Excellent speeches were made by P. J. Glover, esq., and Hon. F. S. Lyon. Then Hon. W. B. Jones being called for, came forward, and stated he had withdrawn from the field as a Grant and Colfax elector, and that henceforth he was for Seymour and Blair. He then pitched into the doings of the late bogus legislature and made the wool fly, denouncing Coon, Sibley, and company, as demagogues, liars, and swindlers. Dr. Jones was repeatedly interrupted by shouts of applause. When he concluded, Judge O'Connor, lately elected to the probate office by the radicals, mounted the stand."

Then it goes on about O'Connor.

By Mr. BLAIR:

Question. What does it say about O'Connor?

Answer. "—— mounted the stand. No one knew what he was going to say; everybody expected he would make a radical speech. Some few persons were disposed to hiss him, but 'fair play was the humor of the crowd,' and order was quickly restored. Judge O'Connor said he was glad the time had come when O'Connor could openly proclaim his principles. In times past he believed that the State ought to accept any constitution to get back in the Union, and get rid of military rule. For this purpose, and for this purpose only, he had voted for the constitution. The object had been accom-

plished; the people could act without fear of the bayonet; and now he proclaimed himself what he always was, what every Irishman was—a full-blooded democrat, and would vote for Horatio Seymour."

And here is another from the democratic press:

"DEMOCRATIC MEETING."—Here is a speech I made for Seymour and Blair—a pretty good one, according to the democratic newspapers. I tried to do what I could for you, general.

Mr. BLAIR. You could not help doing well on such a subject.

The WITNESS. I will read what this democratic paper said about me and my speech:

"DEMOCRATIC MEETING.—On Saturday, in this city, according to previous notice, Dr. W. B. Jones addressed a large number of our citizens in Mr. Lyon's grove. The C. I. band gave us excellent music, and Dr. Jones walked into the Union League, and handled them without gloves. He made the fur fly from Dustin, Drake, Jacob's Cordial, 'just before taking,' Judge Wilson, and the rest of the dirty crew. He is doing good service for the democracy, and the party will always appreciate his efforts in their behalf."

By Mr. BUCKLEY:

Question. Your speeches in those times were never thought inflammatory?

Answer. No, sir; but that one in Mr. Lyon's grove was a pretty bad one, in that way. I invited a war right there.

Question. A worse speech than you make now-a-days, and in a worse cause?

Answer. Well, the cause might have had some little to do with it.

Question. Mr. Jackson has stated, in his testimony before this committee, that you called upon some black men to go to the grand jury room, and prepare to fight. State to the committee at what particular point of your speech the interruption commenced down here at Linden, and what was the language used at the time the speech was interrupted and you ceased to speak; can you recall the particular point?

Answer. I can with that paper. [Referring to his published statement, "Facts made public:" see appendix.]

Question. I wish to get at the language.

Answer. There is the whole of it. I here say that that is a correct copy of my speech in that paper. Do you want me to read it?

Question. Just the last sentence.

Answer. I think my last sentence was: "My colored friends, be quiet, be calm, don't do anything that will jeopardize the republican party. Will you do as I request?" They answered, "I will." "We will." "We will do anything you say, Mass Will."

Question. Did you advise any colored men to go to the grand jury room under the court-house and prepare to fight?

Answer. No, sir. I always have precaution enough to know if a fuss were to occur, a fight really started, that I am the target.

Question. The speaker is more liable to be hit in such an affray than any other?

Answer. Yes, sir.

Question. Occupying a more public place?

Answer. Yes, sir. Just before I said that, I told the colored people that free speech had been denied me that day, and after these people had recalled to their memory that C. L. Drake was a United States commissioner, just then they began to beg me to go on with my speech. Well, I would not do it then; I had been denied free speech, and I would not go on.

Question. How many white men were there?

Answer. I will say thirty.

Question. Were they mostly strangers?

Answer. Yes, sir; that astonished me to see so many strangers, some from Choctaw, and others from other places; the probate judge out of his office; the justice of the peace having gone; all these things after the fuss had begun—all this brought suspicion into my mind that there was something wrong.

Question. As you surveyed the crowd before you commenced your speech, did you see anything in the actions of one of these white men that led you to believe that they came there for some other purpose rather than to listen to a republican speech?

Answer. I am satisfied that they came there for a riot, and would have had a difficulty but for my coolness and my determination not to have it.

Question. Did you see them have any arms?

Answer. Yes, sir; pistols.

Question. Do they generally wear pistols on such occasions?

Answer. Yes, sir; I wear one myself all the time; I have to do it.

Question. It has been denied here that any one fired upon you as you approached the town.

Answer. Well, sir, if that has been denied by the opposite party, if you all submit to it, I will have the man arrested who fired into me, and he is a white man and a democrat.

Question. It is said that a gentleman was riding not far behind you in a buggy, and heard no report, and if a gun had been fired at you he would have heard it.

Answer. I can state to you that Mr. McNeill and Dr. Riddle told me that the man whom the colored people told me had shot at me said he was squirrel-hunting, and he had no gun, no rifle. I can state further that I could not see him for the bushes; he ran through the woods, in order to jump on his mule; his mule got frightened at his coming, and his mule broke loose, and came on the road ahead of me. I could have caught the mule and saved him, and I would have done it, but I supposed it was some one in the bushes. I had gone on, I reckon, half a mile when the mule came in ahead of me.

By the CHAIRMAN:

Question. Do you know or have you heard of any attempts of employers to control the action or will of their laborers as to voting by threats of discharge or other oppressive means?

Answer. I only know what they have told me; they have told me, and they tell me now, that the people tell them if they vote for me for sheriff, they will have to leave their plantations. They tell them, moreover—when they go to their employers for a settlement—they tell them, "Go to your lord, Will Jones, he will pay you."

Question. How have you been treated by your old friends of the democratic party since you have taken to republicanism and become its advocate?

Answer. With a great deal of coolness and ostracism. I venture to say that before I came out for the party of peace, which I consider the republican party, I was the most popular man in this part of Marengo County; not so now.

Question. Is that feeling exhibited against all who embrace republican sentiments and vote the republican ticket, if they are in any way active?

Answer. It is, sir; General Dustin professes to be a republican.

Question. He is your postmaster?

Answer. He is our postmaster; he has tried that, and is shown more respect than I am, because he is not an outspoken and bold republican; and he is no speaker. Mr. Duresne is a quasi-republican; he gets along tolerably well; he is no speaker. Mr. Drake is an active republican; he shares the same fate I do.

Question. Have there been republicans here who have been driven from the community by reason of this ostracism?

Answer. I am not able to say whether they were driven from here so much on account of ostracism as on account of political persecution. Mr. Mattingly and Mr. Burton left this town.

By Mr. BUCKLEY:

Question. Was not Mr. Burton very seriously assaulted before he left here?

Answer. Yes, sir, at Eutaw; and was once on these streets. I will state, while I am before the committee, that the present democratic candidate for sheriff, Mr. James Harrison, of this county, advised me, yesterday, not to go to McKinley under any consideration. I asked him why. He says, "You take my advice and stay at home." I inferred that I would be killed had I gone.

By the CHAIRMAN:

Question. Is there much disaffection in this community on account of that part of the fourteenth amendment which disqualifies certain classes of persons?

Answer. I believe that has had some tendency to engender the feeling of the people. You mean the fourth clause?

Question. I do.

Answer. I believe that has; but here is a speech of mine that I made in the Alabama State senate, advocating the removal of political disabilities and general amnesty. I came home from the legislature, and wherever I went to speak last year, I began my speech by telling them I was proud I had been an advocate of that. They told me, "We ask you for nothing; we demand nothing; we will work out our political advancement in our own way; we care nothing about how many votes you have." When I went back to the legislature, I thought I would please them. They told me, "When you go back, take the opposite side, and you will please me better;" and when I went back, there is my speech in opposition to it. I thought I would try if I could please them on both sides. I will state, too, if the chairman will allow me, that I would rather for this portion of Alabama, I cannot speak for the other portions—there may be portions where there is peace and tranquillity—but I would rather, as a citizen of Alabama, identified with its interests in every particular, that military rule should be placed upon this district than to have Horace Greeley or President Grant the governor of the State.

Question. What is your reason for that opinion?

Answer. I believe I would have protection for my life, and I have not got that now.

By Mr. BUCKLEY:

Question. Do you think there is a feeling of great insecurity among the colored people as they are now situated here?

Answer. I should judge there was; so much that I advised them to migrate to Kansas.

Question. To settle on the public lands?

Answer. Yes, sir.

Question. Have you any knowledge of any attempt to prevent colored people from leaving this State and going over to the other cotton States, or going West?

Answer. Yes, sir, from hearsay. I have been told, by colored people from Sumter, that they got together once to emigrate, and the disguised men went to them and told them if they undertook it they would be killed on their way.

Question. Was that to prevent them from leaving the county, and prevent the county from being deprived of their labor?

Answer. Yes, sir, of course; to keep them there.

Question. They still want them as laborers?

Answer. Yes, sir.

By the CHAIRMAN:

Question. A single question upon another point; that is, whether there is any discrimination on account of color or political opinion in the administration of justice, so far as you have observed?

Answer. Yes, sir; I can cite you to an instance of it. Shall I give an example?

Question. Certainly.

Answer. Robin Westbrook, a colored man, was killed at Jefferson. No demonstrations were made to arrest the perpetrators of the crime. Dr. Smith, a few nights afterward, was shot at ten times with double-barreled shot-guns, the democrats say. Ten negroes were arrested in forty-eight hours, whipped severely, and incarcerated.

Question. Are some of them in jail yet?

Answer. Yes, sir.

Question. They have been there for months?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. I will ask if one of the negroes who was arrested on the charge of shooting at Dr. Smith was not taken up, and, through fear of whipping, made to confess that he did shoot at Dr. Smith, and that he fired the first gun; and after that was entirely released and set at liberty, without trial, by the same parties who arrested him?

Answer. I do not know about that, sir; but I do know that the man I saw whipped, who was in jail, did make his escape out of the jail, by the jailer. He went by the jailer, and the jailer, I believe, shot at him when he got out. That is my opinion.

Question. He made his escape. You think there was no design on the part of the jailer?

Answer. The jailer here is too pure and honest a man for me to believe that he was implicated in letting that man out of jail.

By the CHAIRMAN:

Question. The question is, whether you heard of a colored boy being taken up as one of the party concerned in the shooting of Dr. Smith, and so terrified that he confessed to the fact that he fired a gun, whereas it was afterward discovered that the boy was wholly innocent and at home at that time, and the party that arrested him discharged him; did you hear that circumstance?

Answer. I am unable to tell you anything about that.

By Mr. BLAIR:

Question. There is a newspaper which purports to contain a letter from you?

Answer. Yes, sir; I wrote it.

Mr. BLAIR. I wish to have that letter incorporated and appended to Mr. Jones's testimony as a part of it.

[The document referred to will be found printed as an appendix at the end of the testimony of this witness.]

Question. You say you took $500 when you were at Montgomery for the purpose of paying lawyers to have the court-house removed from here to Linden?

Answer. Yes, sir.

Question. Who were those lawyers, and for what purpose was the $500 paid to them?

Answer. I will ask a question now of the chairman: if I am bound to criminate others—bound to tell who these men are if they occupy official positions?

The CHAIRMAN. You must be judge yourself of the circumstances under which the money was paid, and the obligation of secrecy under which you were placed, if any. That is a question which rests with yourself, whether you will furnish the names.

The WITNESS. Well, sir, the different parties to whom this money was paid were at that time, and probably some of them are now, occupying official positions; and in accepting money in that way, we might consider it bribery, and so bring it up, and I would rather not tell who they are; I would simply say that I received the $500.

Question, (By Mr. BLAIR.) You received it and paid it out to other parties?

Answer. Yes, sir; and there is a tribunal to which this can go to be adjusted, and that is in the legislature.

Question. I am aware that there are several tribunals where it can go. I only want to know where the men are.

Answer. I would not like to give their names.

Question. Then you decline to give their names?

Answer. Yes, sir.

Question. Were they members of the legislature?

Answer. Well, sir, some of them; you know there has been another election in this State.

Question. I mean, were they members of the legislature then?

Answer. Yes, sir; some are and some are not now.

Question. All of them were at that time?

Answer. No, sir.

Question. It was given to the others to influence members of the legislature, was it?

Answer. No, sir; it is not a very important matter so far as I am concerned.

Question. Were you a member of the legislature during the pendency of the bill to loan two millions of dollars to the Stanton road?

Answer. Yes, sir.

Question. Did you ever tell any one that you got money for your vote on that road?

Answer. I may have told a good many people, just jokingly, like I told Senator Worthy. He handed me some money he had borrowed from me, and I got up and said: "Mr. President, I inform the senator that I will vote for his bill; here is a pile of money he presents." I may have done it in that way.

Question. You frequently made a joke of that kind, did you?

Answer. A joke of telling people I had received money?

Question. Yes.

Answer. I would not think it had been much of a joke if I had told it—had ever said that.

Question. I thought you just now said you had said it?

Answer. I said I may have said it, as I said to Mr. Worthy.

Question. You may have said it in a jest?

Answer. Yes, sir; just as I told Senator Worthy about the money he handed me.

Question. Were there any very grave accusations against members of the legislature at that time for having received money for their votes in favor of that bill?

Answer. I believe the paper stated that there was.

Question. Was there not an investigation by the legislature, subsequently, in which several members were seriously implicated by testimony?

Answer. No, sir; not as I know of. I know the grand jury has set several times in Montgomery, right where several members of the legislature live, who are accused of being implicated in that, and no true bills have been found, that I know of, and none have been found against me for that.

Question. That is not responsive to the question I asked you.

Answer. What is the question you asked me?

Question. Whether there had not been a committee appointed by the legislature to investigate the corruption in reference to the passage, by a previous legislature, of that bill?

Answer. Yes, sir; and that investigation has fallen still-born.

Question. Then, I ask you the question, if testimony taken before that committee did not seriously implicate certain members of the legislature?

Answer. No, sir; I do not know of but one official who is at all implicated upon the charge of bribery now, in this State, to my knowledge; that is Governor Lindsay—he is implicated.

Question. Who was the senator from Selma?

Answer. General Coon.

Question. Who were the members of the lower branch of the legislature from Selma?

Answer. I do not remember; I believe I have the names in this book.

Question. See if you can find them; I mean the legislature that sat at the time that bill was passed.

Answer. [Examining scrap-book.] That is Dallas County that Selma is in; a man named Amos, and Drawn, and Weaver, and Hardy.

Question. Those are not the men I have reference to. Was there not a man appointed for a short period of time superintendent of this road—a radical?

Answer. General Hardy; that is the man; I have just given you his name.

Question. Was General Hardy implicated?

Answer. I do not know anything about his affairs.

Question. By the report of that committee?

Answer. I do not remember; I was not on the committee. Mr. Hardy is in Selma; you can find out from him, I suppose.

Question. We have the testimony of a witness, to the effect that General Hardy received, or was shown by the testimony before that committee to have received, $35,000 for services in reference to that bill.

Answer. I should think he ought to be arrested and dealt with according to law if he did; I do not know.

Question. And it was with an eye to that grave accusation, made by, as you say, the newspapers, and the investigation of that committee, fixing this fact upon that gentleman, that I asked you if you made so light of this matter as to speak of your having received money as a joke?

Answer. I do not know whether it is a fact or not that Mr. Hardy received it; I was not on the committee on internal improvements. He was the chairman of that committee.

Question. You do not know whether he received it; you do not know whether the committee reported that he had received it; but you are informed of the fact that accusations of this character were made against members of the legislature?

Answer. By the newspapers, just the same as are made now against Governor Lindsay in this Stanton matter—the very same way.

Question. That being the fact, you spoke of your having said, in the way of joke, that you had received money?

Answer. I did not say in a joke I had received it; I say I did receive $500 from Henry A. Woolf; I say it positively, that I did receive $500 from Henry Ashby Woolf.

By the CHAIRMAN:

Question. That was in relation to the county-seat matter?

Answer. Yes, sir.

By Mr. BLAIR:

Question. I asked you, after you had made that admission, whether you had ever said to any one that you had received money for your vote on the Stanton Railroad.

Answer. Do you wish me to answer you distinctly, whether I received money or not for my vote on the Stanton Railroad? I answer you, I did not.

Question. That is not answering my question.

Answer. What is your question?

Question. I have put it to you two or three times. Did you tell any one you had received money for your vote on the Stanton bill?

Answer. I might have said jokingly to some people that I got $25,000, or may be $50,000. I recollect here that I told Mr. McCall one day in December, I believe it was—but before I tell you that, I will tell you how I came to say it. I was in at Mr. Adler's store two weeks ago, and McCall says, "I saw Bill Jones have about $5,000, and I asked him where he got it, and he said he got it for voting for the Stanton bill." Says I, "Now you stop; if you say that you are a liar; I did not tell you any such thing, sir." Says he, "Bill Jones, you and I don't want to have any fuss about that." Says I, "I reiterate it; if you say I told you I received $5,000 to $5,330 from Stanton, for my vote on that bill, you are a liar;" and I still say that now, if he reiterates it to me, and he knows I will do what I say. I am a planter, a pretty considerable planter here, too, and it was about the time I had sold my cotton crop, and perhaps Mr. McCall did see me have some money, but I do not know how much. I made a mighty big crop of cotton last year, for a scalawag.

Question. But you did say, by way of joke, that you got $25,000?

Answer. I may have said it in a joking manner to some fellows.

Question. Do you not know whether you said it or not?

Answer. No, I do not know positively; but I will tell you that I never received a cent.

Question. You said that you had been fired upon in this Chickasabogue swamp, on your way to Linden, and that you did not then know who the party was that fired upon you, but that you know now?

Answer. I do, sir.

Question. Who was it?

Answer. I propose to let the United States marshal know that in course of time, and have him arrested.

Question. Then you refuse to disclose here?

Answer. I do, sir, for I am going to make complaint and have the matter tried before the United States tribunal; that is my intention now.

Question. Why have you not already done so?

Answer. It would not be safe for my life to do it now. I believe if I was to have those parties arrested, I would be killed in less than five days afterward.

Mr. BLAIR. I do not propose to examine the witness any further; he refuses to answer any question by which I can test his accuracy and truthfulness.

The WITNESS. The chairman of this committee informed me that when I did not want to answer the question I need not do it.

The CHAIRMAN. I mean to say this: that it rests in your discretion whether you will answer or not. The committee are not clothed with power to compel you to answer any question.

The WITNESS. I will ask the chairman a question. Do you think it would be prudent in me to disclose that man's name here, when, after doing it, he would hear of it and probably make his escape? I say that, because I was told by a gentleman on the street, in regard to a witness you had in here yesterday, about a woman who testified to the killing of her husband, Robin Westbrook, and I heard gentlemen talking about that thing on the streets, when this committee was in session.

The CHAIRMAN. If you see proper to give the name of the person whom you suspect of having fired upon you, I think I can assure you that no member of this committee shall divulge the fact.

The WITNESS. Well, sir, then I shall do it.

The CHAIRMAN. The gentlemen present hear what I say on this subject; if I am not right in assuming it——

The WITNESS. I do not wish to stop General Blair in his interrogatories to me. I prefer he should go on with them, and bring me out, completely and fully, about the affairs here in this part of the State, and upon that I give the name of this——

Mr. BLAIR. I propose to say this: the chairman has stated that nobody in this committee will speak of this outside. It is impossible for me to test the accuracy of the witness without seeking information. If he gives the name I shall certainly have to make inquiries in regard to the man himself, in regard to where he was, because I can only by that means get the evidence, if evidence there be, to disprove what the witness says, and I cannot remain silent while the chairman assumes for me that I shall make no use of the witness's testimony. I shall certainly make such use of it as will further the ends of justice in my own judgment.

The WITNESS. I have no objection to that.

Mr. BLAIR. I shall seek to find out whether the man was in the situation you describe him to be; I shall attempt to test your veracity by such means as that, and if, in doing so, I disclose to any one that such an assertion has been made, as that he was the man who fired at the witness, I shall be compelled to do so, because I know of no other way to make the proper inquiry. I suppose it is perfectly understood by members of this committee, and I am sure if it is not it will be known hereafter, that I have made no scruple in disclosing anything that has been said here, when I have thought it necessary to put me upon the track of rebutting testimony. I do not keep the secrets of the committee when I think they stand in the way of the furtherance of justice, and I do not propose to do it.

Mr. BUCKLEY. Could that not be obtained without disclosing the name?

Mr. BLAIR. I think not.

The WITNESS. I have a letter in my possession now, from General Healy, telling me he will use his power in having these parties arrested, and I thought by keeping it as clandestine as possible would be the best means of arresting them, because one of the parties has already said that he had sold out everything he had, and could leave on twenty minutes warning.

The CHAIRMAN. When I assumed to speak for the committee I supposed it was quite unimportant in our investigation who it was that, in the opinion of the witness, fired upon him on his way to Linden, and that there would be no motive to discover testimony to contradict the witness in his opinion and belief; but after what has been said by General Blair, I must remit the question to the witness to decide for himself under the circumstances whether he will answer the question.

The WITNESS. I will say this, if you will allow me to talk.

The CHAIRMAN. Certainly.

The WITNESS. If you will give General Blair the means of rebutting my evidence, I ask that you will give me the same opportunity of bringing the witnesses here to prove that the mule they caught belonged to this man, and that the man they saw was this man.

The CHAIRMAN. The committee do not propose to stay here beyond to-morrow, and would not have time to go into this collateral investigation, which I deem altogether unimportant.

The WITNESS. Well, I will give the name anyhow as given to me. I wish it understood now I do not swear that this is the man did it, because I did not see him, and you will see here that in giving me this name the persons who gave it to me were very particular in describing the man's hair, [consulting note-book;] John Hinson; curly-headed. I will state further, it can be proved beyond a doubt that he is the man who did shoot that pistol off at me.

Question, (By Mr. BLAIR.) Who told you it was John Hinson?

Answer. There again comes up another question. The colored people who told me live in his neighborhood, and they requested me not to give their names until they got their crops together, and then they will come here as witnesses.

Question. Now you have made a great to do about giving this name.

Answer. What name?

Question. The name of this man.

Answer. I have made no great to do about it, but given his name.

Question. You first refused to do it, and then gave it, and gave two separate and distinct reasons for not giving it, different from each other.

Answer. Yes, sir.

Question. One was that you were afraid of your life to begin with——

Answer. Yes, sir; and I believe still that my life is in danger if they find that out.

Question. And then you were afraid the man would run off.

Answer. Yes. sir.

Question. A decidedly distinct one from the first one, and rather incompatible.

Answer. No, sir; I do not think it is; he could run off after killing me.

Question. But that was not your idea?

Answer. You do not know what my idea was.

Question. Yes, I do, because you stated it.

Answer. If you know my ideas better than I do it is not worth while for me to express them.

Question. I know what you said; I know you said he would run off and escape justice; that is the reason you gave.

Answer. That I was afraid he would run off and escape justice—yes, sir.

Question. And at the time you gave that reason you had published it far and wide that you knew his name—had given that out to the public weeks ago.

Answer. Is his name mentioned in there?

Question. No; but you declared you knew it; here is your statement: "I was fired on by some one who was at the time unknown to me, but whose name I now know."

Answer. Yes, sir.

Question. Now, if you had such alarm about his running off and escaping justice, you would scarcely have made such a proclamation as that of the fact that you knew him; and if you were afraid you were going to be killed you would scarcely have proclaimed that fact which would have provoked a killing.

Answer. I do not say that would have provoked the killing; but the act of my having him arrested by the United States officers; I do not mean that the publication in that paper of the facts I have published there would cause the man to run off at all, because I have not stated in that paper that I intended to have him arrested.

Mr. BLAIR. I suppose that is sufficiently implied, for anybody would presume it if you said that you knew a man who had made an attack on your life.

APPENDIX TO TESTIMONY OF WILLIAM B. JONES.

The following is the communication referred to by the witness, William B. Jones as printed in the Alabama State Journal of Saturday, October 31, 1871:

FACTS MADE PUBLIC.

In accordance with a previous notice, published in the Marengo Journal, a democratic sheet, I, on the 17th of October, 1871, proceeded to Linden, the county seat of Marengo, for the purpose of addressing the republicans of said town and county. On my journey, just one mile and a half from Linden, on the north bank of the Chickasabogue Creek, in a dense swamp, I was fired on by some one who was at the time unknown to me, (but whose name I now know,) and whose *cowardly form* took refuge in the swamp. My body-servant, who was driving my team, said: "Doctor, he liked to got you that time." I ordered him to drive slowly in order that I might see the assassin, but the bushes being so thick prevented me. I arrived in Linden half past 10 o'clock a. m. I dressed myself and walked out upon the side-walk to find how the people looked and felt. I was very soon convinced, from their grave and frowning countenances, that a bad spirit prevailed among them. I went back to my room very soon afterward. Captain C. L. Drake, United States commissioner, called to see me. After we had as friends and republicans interchanged a few words of greeting, &c., he remarked, "How long before you will begin your speech?" "About 1 o'clock," I responded. "How long will you speak?" "About two hours," I replied. At the appointed hour, I proceeded to the court-house building. I walked in my usual manner, went up the steps, and in a few minutes a vast crowd, about five hundred republicans, assembled. I then arose, and, as I generally do, surveyed the assemblage. I noticed

a great many strange white faces, and wondered where they came from. I proceeded thus:

"Fellow-citizens." A white man, whose name I have, said: "Fellow-hell, you d—d rascal." Said I, "Thank you, sir." So I proceeded again: "Fellow-citizens, [this fellow and his crowd still curses me:] I, in accordance with a previous notice, appear before you for the purpose of addressing you. In coming in your midst, I come 'not to destroy, but to build up.' I come before you not as you have been schooled and taught to believe about me from perusing the columns of the democratic papers of Alabama—with a torch in one hand and a fire-brand in the other! Neither am I here for the purpose of enunciating inflammatory and incendiary language, as you have been taught from perusing the columns of the same organs. In place of those destructive elements, I bring to you in one hand the flag of our common country. [A voice, 'D—n the flag.'] The same flag that rustled o'er our boyish heads, except its mighty folds are wider, and its glittering stars have increased in number. That same flag that has floated and still floats triumphant in every breeze! In the other hand I bring to you general amnesty, universal suffrage, and equal rights to every man, without distinction of race, color, or previous condition."

Just here those ruffians began yelling hideously, cursing me, cursing the flag, cursing the Government, cursing everything that was tinctured with loyalty. Excitement became so very great that I endeavored to pacify them by reading some resolutions very complimentary about me passed by the citizens of Linden, in convention assembled. This made things worse. So I turned around and said, "Captain Drake, I had better desist from speaking. If I proceed there will be a serious riot." The captain said, "I, as United States commissioner, and for peace and quiet, advise you to retire from the stand." This being said, I stepped forward and said: "Fellow-citizens, free speech has been denied me here to-day. My colored friends, be quiet, be calm; don't do anything that will jeopardize the republican party. Will you do as I request?" "I will," "We will," "We will do anything you say, Mass Will." I then closed up. The above is a true copy of my speech at Linden.

Excitement now begins. Captain C. S. Drake, a United States commissioner, had to flee from his office—seek refuge in the swamps of the Chickasabogue, and on the edge of that dense swamp had to send for his horse. The United States flag torn down and cut. I am now left solitary and alone, surrounded by an enraged mob of forty or fifty men, drunk with excitement and whisky—armed with pistols, knives, and shot-guns. This colored man and that colored man coming to me brings the awful news, "The white people swear to kill you; we have a horse under the hill; for God's sake run and get on the horse and flee." I stood my ground. Never manifested any anger until a certain fellow (whose name I have) walked up in front of me and said, "O, yes, you go for a brave man, but when we get you single-handed you won't fight." As soon as he said the above, I responded, "Do you call this alone; how many are on one?" "I am one man," said he. I called Mr. Willie Giles, a deputy sheriff of Marengo County, to me. He came. I took off my watch, my diamond pin, and gave him my pocket-book, saying, "Willie, I am now going to fight; if I am killed take these things to my dear wife." Looking around, I saw the fellow have his pistol half-way out of his pocket. I seized a large, old-fashioned horse-pistol and proceeded down the steps of the court-house. I walked through the gate and said, "My colored friends, stand away from here; you have nothing to do in this fight; this man has proposed me a fair fight; stand back; if you don't I will fire into your crowd." I asked the white people to stand out of the way. I told him that I was now prepared and ready to fight him, and to die game; that I had been forced to the last ditch. I told him "to measure off his ground." He did not do it, nor show any signs of fight. I could have killed him had I been disposed to do so. While I was addressing myself to him, a crowd of six desperate drunken (or pretended to be drunken) men rushed upon me with double-barrel shot-guns, cocked, and demanded my one single-barrel old pistol, (and which, since I have been home, I tried to shoot, and it snapped.) I, like General Lee, surrendered. What else could I do, with six double-barrel shot-guns jobbing and punching me in the short-ribs and back, and banging me over the shoulders with a pistol; some crying out, "We've got the king—not the king of the Jews, but the king of the niggers. Don't crucify him; kill him." One (whose name I have) punched me on the eye (and I have the sign out yet) with the muzzle of a shot-gun, saying, "Let me take half the d—d rascal's head off." I asked him if that was "southern bravery and southern chivalry." "Hush, God d—n you; don't you speak," was the cry. And I "spake not a word." When those ruffians were treating me so, twelve colored men, bearing guns, marched up and presented arms on those who were persecuting me. I saw them. I raised up my hands and said, "My colored friends, put down your guns; don't shoot; let Will Jones die, but let Linden live." At this time Mr. Meak. McNeil came to my rescue, and saved my life for the time being. He rushed me off into the court-house, and aided me in barring up the doors. After he secured me in a room, he left me. I begged and entreated him to remain with me, saying to him, "You once, last year, at Shiloh, (Marengo County,) when free speech was denied me, in just such a mess as this, saved

my life. Those fellows will murder me if left by myself. I have a horror of dying by myself, and no one to tell how I died, whether I died a brave man or a coward." He said that he could do more good out than in. Here I am, confined in a room of a court-house, within five miles of the home of my birth, listening to the fiends outside screaming, "Burst the door down and kill him;" some saying, "Burn him up;" some saying, "Hang him." In a short while I heard the tramp of footsteps. I sat still. Those steps approach nearer. They now arrive at the door. A knock is heard. I went to the door and asked, "Who is that?" "Judge Young," is the reply. I opened the door; he comes in, and said, "Jones, I want you to understand that I differ entirely with you in politics, but you shall not be imposed upon by a set of drunken men. Before they shall murder you, they will have to crawl over my dead body." "Judge Young," said I, "as to your political faith, I have nothing to do with it; you are entitled to your political opinions." Judge Young is a democrat, but a purer and nobler man never lived nor died. He would go out to quiet the excitement. Returning to me, he would bring the sad news, "They seem determined to kill you." Dr. A. A. J. Riddle calls to see me in my prison-house. He, too, is a democrat, but pure, and honest, and fair in his opinions. He brings me no glad tidings. He tells me they will kill me. I asked Judge Young and Dr. Riddle, "Is it possible that you old gray-headed citizens, who own most of the property here, who pay heavy taxes, cannot control a lawless set of men who own no property and have no interests here? Are you going to see a citizen of Alabama, and of the United States, murdered in a court-house of justice, in cold blood, for no offense except that of being a republican and an upholder of the Government of the United States, and a defender of President Grant's administration?" Dr. Riddle replied, "We've done all that can be done; but, Billy, before they shall kill you, they will have me to kill first. I can get you a fleet horse, will put him under the hill, and you had better jump out of the back window of the clerk's office, and get upon that horse, and try to make good your escape, for this is your only plan for safety." My reply to him was, "Dr. Riddle, born, as I was, within five miles of this court-house, within five miles of the home of my childhood, within the walls of the court-house that my energy, industry, and labor in the legislature of Alabama, as a State senator, caused to be here now, I, sir, will suffer my body cut into ribbons before I will flee in such a way, like a fugitive from justice. I have done no crime. I have not made any speech. If it is a crime for me to be a loyal citizen, a republican from choice, and am now to suffer death for such, let it come." I said to Judge Young, Dr. Riddle, and McNeil, that I was still willing to fight those fellows single-handed, but not three to one, if nothing but fight would satisfy them. They told me it was no time for me to talk in that way; that my best plan was to be quiet.

The lawyers of Linden (Judge Young and Mr. Woolf) had exhausted their means for my escape. With death staring me in the face, I begun to put my brain in operation. I asked Judge Young, "If I were to go out and speak to the crowd, and announce that I would withdraw from the canvass for the office of sheriff, would that allay the excitement and spare me my life?" Dr. Riddle and the Judge both said that "If you, Jones, were to show your face out there, they would kill you before you could wink your eyes." I kept renewing the above in their memory. After a while Dr. Riddle went to Mr. Woolf and suggested what I had said. He bit at it in a minute; and here is the simple thing Mr. Woolf, a lawyer, wrote:

"THE STATE OF ALABAMA, *Marengo County.*

"I, William B. Jones, in order to quiet political excitement in the county, and for the preservation of peace and good order, agree to retire from the canvass for the office of sheriff of said county, and to do all I can to promote good order in the community.

"W. B. JONES.

"OCTOBER 7, 1871."

Now, Mr. Woolf is a lawyer, and as he wrote the above, I am willing for him to act as attorney, judge, and jury in the case, and the verdict is bound to be—"worthless." I pledge the public that, if my political party had have acted (or if it ever does act) toward Captain Harrison, my opponent for sheriff, as did the democratic party toward me at Linden on the 7th day of October, 1871, I would and will decline running, and acknowledge the weakness of my party.

That forced agreement of itself convinces the public that the republican party in Marengo can and will elect all of its nominees. It also convinces the public of my superior strength and popularity over my opponent.

As for "peace and good order," this is what I have always been in favor of; so is every member of the republican party. Peace is the main plank in the republican platform. That is the platform upon which General Grant ran in 1868. It is the platform upon which he will be renominated and re-elected in 1872. It is the platform which the republican party of Alabama will ride into power upon in 1872. It was for peace that I declined to speak at Linden on the 7th instant. Now, let's examine the "agreement" a little.

If that silly thing was binding, it would not prevent me from still being a candidate

for the office of sheriff. It would not bind me from canvassing for the republican party, its glorious principles and peaceful teaching and happy influences. It would only bind me "not to canvass for the office of sheriff." This I have never done and never wish to do, because I can beat my opponents bad enough any way. If the democratic party of Marengo will allow every box to be opened in said county and give every voter a fair expression at said boxes, and if I don't beat my opponent for the office of sheriff 2,500 votes, I will pay his electioneering expenses and won't take the office, no matter by what majority I may be elected. This is a fair, manly, and open proposition. Will that party accept the banter? The agreement being signed, I, a man before condemned to die, am now set at liberty. This proves political persecution. The very men who twenty minutes before had shot-guns to murder me, and very drunk, got suddenly sober, and are my pretended best friends, and guard me from the confines of the court-house to my buggy, then through the thickest of Chickasabogue swamp. The "king of the niggers," free and master of the situation, with their own "handwrite" to condemn them; free through his own strategy and skill. While those men were guarding me, I happened to look around, and saw one of the crowd handing another a pistol. One (a Mr. Johnson) said to me, "Jones, the only think we are afraid of now is that you will get that d—n investigating committee here." I mildly informed the gentleman that the laws of the land were made to "punish the guilty;" that the innocent need not be alarmed.

When I came out of the court-house, I wept bitterly. Why? Not for any crime that I had done, but because of the utter ignorance of my own color. Jesus once wept over Jerusalem, and said: "O Jerusalem, Jerusalem, which killest the prophets, and stonest them that are sent unto thee; how often would I have gathered thy children together, as a hen *doth gather* her brood under *her* wings, and ye would not!"

I fully expect that these fellows will tell an entirely different story from mine. Why? Because a set of men who would conspire against one man for the purpose of murdering one man would not hesitate one moment to prove by one another anything they wish, and any community that would stand by and witness such a procedure as was manifested toward me on the 7th instant would not hesitate to confirm a set of rascals in any statement they might make. I have been advised by a prominent lawyer that, if I undertake to prosecute those men, I will most assuredly be murdered; that these men would personate a negro and murder me in the bosom of my family. I asked him, "What security have I for my life anyway?" His reply was, "That is a fact; you are between two fires." If I were to renounce the republican party, curse and abuse General Grant and every loyal citizen in the Government, agree that the reconstruction acts of Congress were null and void, join in their band to kill and whip up the colored people, I then, probably, would be safe. All that I wish is, to have a fair and just investigation. The very sudden peaceful manifestations toward me by those men, who refrained from killing me after I signed the agreement "not to canvass for the office of sheriff," is a sufficient proof that my political faith was the cause of my rough and disloyal treatment at Linden on the 7th instant.

I here make this broad assertion: that President U. S. Grant, the Chief Magistrate of the United States Government, cannot make a republican speech in the southern portion of Marengo County, in Sumter, Choctaw, nor Greene Counties.

In appealing to the General Government to put down the lawlessness in Western Alabama, I am doing more to build up the prosperity of Alabama than those bands of assassins who are demoralizing the labor of the State. And it is astonishing to me that the property-holders of the country have not long since banded themselves together and put down such people, who are running rampant over the land and destroying the planting interest.

Does it look reasonable in me, owning property in Marengo County, to excite, and then incite the colored people to burn up the property of the citizens, and then murder, when I am sure that should such a course be pursued my property would be the first burned, and I the first one murdered by those opposed to me? Such accusations have been charged against me by the democrats; but it was done for political capital, and I thought it would soon wear off.

Now, let us examine a little. In 1868, I was unanimously elected, by the republicans, a Grant and Colfax elector for the fourth congressional district. I was awfully denounced by the entire democratic sheets of Alabama. Certain circumstances turned up which compelled me to withdraw as such elector. As soon as I did so, and made a few speeches for Seymour and Blair, the entire democratic press began to heap such praise and flattery upon me that I really felt awkward. And as a proof of the above, I respectfully refer the public to said papers. The man who was such a rascal and scoundrel suddenly became a finished gentleman, an accomplished orator, and a fine scholar. Why? Because he pretended to be what he was not—a democrat. As soon as I returned to my true political faith—republicanism—I again became a rascal, and unworthy the respect and confidence of the public. I am free to acknowledge that I have made incendiary speeches, but they were made by me when a six weeks democratic speaker. I am also free to acknowledge that, had I made such speeches for

republicanism, I would have been killed upon the spot by democrats. I cannot, as a southern man, see why the southern white people, as a mass, wish to whip into democratic faith, by brute force, every white man in the South. I tell the democrats, openly and honestly, that I cannot, honestly and sincerely, be a democrat. Now, are you going to murder me for such? Were I to be forced into your party, (as I was at Linden on the 7th instant,) and acknowledge through such force that I was a good democrat, such acknowledgment would only be a ruse, or a forced democratic lie.

"W. B. Jones, a noted radical desperado, raised a row with some respectable gentlemen at Linden, a few days since."—*Demopolis Exponent.*

The above was clipped from the Selma Daily Times of the 14th instant. I cannot, nor do I, blame the people, who peruse the columns of the democratic papers of Alabama, for believing that I am a very depraved and desperate character, when those papers knowingly misrepresent me before the public. The editors of the democratic papers of Alabama claim all of the sense, and refinement, and virtue, and veracity. The editor of the Selma Daily Times published the above as coming from the Demopolis Exponent. I now give the public exactly what the Exponent did say, and leave the public to judge for themselves, whether the editor of the Selma Daily Times has fairly and truthfully represented me. Here, now, is what the Exponent did say:

"DIFFICULTY AT LINDEN.—We hear upon the streets that on last Saturday, while W. B. Jones, republican candidate for sheriff of this county, was making a speech in the court-house at Linden, that a dispute and difficulty occurred between him and some party or parties who made a part of the audience, and whose names we did not learn, that came very near resulting very seriously; but that some of the older citizens interfered and prevented any very serious result. We have conversed with no one who was present in Linden, and have heard no definite or reliable statement of the affair, nor the particulars. Our information is based upon very indefinite rumors, and we therefore refrain from any further statement until we obtain facts and names upon which to base a relation of the occurrence. Rumors on the streets go to show that some statement made by the speaker, which is considered offensive, and that a row occurred upon that, which was finally quieted without marked results. In view of the fact that our contemporary, the Marengo Journal, is at the scene of the occurrence, and fully informed of all the facts, we will await its account, as we have no other means to-day of obtaining reliable information from that point. In consideration of the fact that various statements may be made affecting public opinion, we respectfully suggest that a statement of the cause, and all the particulars connected with the affair, be published over the signatures of reliable men who were present and know all the facts and circumstances."

The public will see from the above that the lie was given to me from some one in the crowd, and upon that "a row occurred." I have too much confidence in the honesty of the editor of the Exponent to believe he ever wrote such a paragraph about me. I am willing that six fair and honest men, all democrats, shall investigate the whole affair; that not a republican shall have anything to do with the investigation; and that I am willing to abide by their decision. Let those six be selected from the citizens north of the Chicasabogue. This is a fair proposition to the peaceful democracy of Linden. Will they accept? I have heard since my arrival home that some one has circulated the report that I had telegraphed for troops, or had gone for troops. The above was circulated to increase public sentiment against me. I refer the public to the telegraph operator in Demopolis. I have never telegraphed nor written for troops, but I am now thoroughly convinced that we need some desperate means to put down desperadoes and assassins; and I believe all good lovers of peace will join in the above.

I have just read a letter from a Mr. Steel, who is intendant of the town of McKinley, written to the sheriff of this county, in which he asked the sheriff to be in McKinley on the 14th instant, to preserve peace; that the citizens of said town had learned that I intended to speak there on the 14th instant. I did intend speaking there at that time, but owing to the Linden persecution, on the 7th instant, I concluded to let excitement die out. I am told that the white people assembled in large numbers at McKinley, fully prepared for a fuss; but, lo and behold, "King Jones" failed to be there, and there was much disappointment. One of the Lindenites, a deputy United States revenue officer, I understand, was in Demopolis last Thursday, bragging that "Jones carried the United States flag into Linden whole, but did not return with it in the same condition." Jones returned with the flag, but it was in a very different state, it having been torn down and cut. It is a great pity that the people of McKinley were disappointed. I wrote a letter to a citizen (a democrat) of McKinley, telling him that I would be there on the 14th instant; then wrote him another, telling him why I could not. Publish the letters. I have once appealed to the governor of Alabama. In July, 1871, I wrote him a letter to arrest the lawlessness in West Alabama. He treated that with such contempt that I dare not write to him again. He was too busily engaged at the time in New York. If he had have been in Alabama, attending the duties of

his office, he would now be above suspicion. Having appealed to the government of Alabama in vain for protection, I now, as a republican citizen of Alabama; as one identified with the interests of the State in every particular; as a tax-payer to the State government; as a citizen of the United States; as a State senator; as one who has, under all kinds of persecutions, upheld the General Government and President Grant's administration; in the name of the loyal citizens of Western Alabama; in the name of those who have suffered martyrdom for the republican party, and whose graves stand as monuments to republicanism; in great meekness and humility, combined with earnestness and determination, ask protection of the General Government.

W. B. JONES.

DEMOPOLIS, ALABAMA, *October* 9, 1871.

DEMOPOLIS, ALABAMA, *October* 27, 1871.

JAMES J. GARRETT sworn and examined.

The CHAIRMAN. This witness is called by the minority and will be examined by General Blair.

By Mr. BLAIR:

Question. State your residence and occupation.

Answer. I reside in Hale County, in what was formerly part of Greene; I am a lawyer by profession.

Question. Do you know one Blackford who was probate judge of your county for awhile?

Answer. Yes, sir; I am well acquainted with him. I have known him since the year 1857; slightly from that time, until about the year 1865.

Question. He was elected probate judge of the county?

Answer. He was elected probate judge in January or February, 1868, at the election held in this State, at the same time that the present constitution of the State was submitted to the people, under the reconstruction acts; there was a general election for all officers at that time under the constitution.

Question. Did you know him during the war?

Answer. Only slightly. I would have known him had I met him, but my acquaintance with him prior to the war was very slight. I knew him personally; he was, at the time I first became acquainted with him, a practicing physician; he came to the town of Greensborough in 1856 or 1857.

Question. Was he a Union man?

Answer. I never heard any expression of his political opinions before the war at all.

Question. Did you know, or understand, whether he was tried by a vigilance committee for being a Union man during the war?

Answer. I never heard of such a thing.

Question. He said he served as a surgeon in the confederate army?

Answer. I can only speak of that from hearsay. I have understood he was in the fifth Alabama regiment; he followed it in some capacity, I hardly know what; I do not think he held any official relations with it; I think he was an independent volunteer; that is my information; it is only hearsay.

Question. Do you recollect that on the 19th day of January, 1869, he was visited by a body of disguised men?

Answer. I know nothing of that, sir. I have heard it reported in the community—the 19th of January, 1869?

Question. I think it was that day.

Answer. No, sir; I think not. I never heard of his being visited by any disguised men, excepting during the present year, 1871.

Question. It may be the present year.

Answer. I know nothing of it, except it is the common report of the community.

Question. Have you ever talked with him in reference to it?

Answer. I have heard him speak in reference to it.

Question. What did he say about it?

Answer. Well, sir, he said a great many things; but sometimes he would give one account of it and sometimes another; the general drift of what he stated to me was that a number of disguised men came to a room, in the back part of his house, and found that he had left there; they did not find him there; that he had fled precipitately to the woods, leaving his hat and boots.

Question. Do you know the reason, or did you ever hear him assign any reason, for this visitation?

Answer. I have heard him assign different reasons.

Question. Tell us what reasons he assigned.

Answer. The reason upon which he seemed to lay most stress was this——I will have to go into an explanation, so that you gentlemen can understand it better. Under the constitution, adopted immediately after the surrender, under the President's proclamation, the government established——

Question. The provisional government?

Answer. The provisional government, I mean; elections were held, and at the first election held in Hale County, which was taken from Greene County, and Marengo County, and Tuscaloosa County, and Perry County, a gentleman named A. H. Hutchinson, now dead, was elected. I am giving this explanation with a view to make his statement understood. Hutchinson was elected probate judge in 1867, I think. A convention, called under the reconstruction acts, adopted a constitution, and ordered an election for county officers under that constitution. At that election Blackford was elected probate judge. For a good while it was doubted whether that constitution would be accepted by Congress, as ratified by the people of the State. We always thought that it was not ratified, and that the Congress of the United States acted in bad faith with us in not carrying out the provisions of the act. It was not adopted by a majority of the registered voters. In consequence of that, there was some delay, and Blackford and others, elected at that election, did not enter upon these offices until some time in July, 1868, and it was doubted whether they would have entered upon them; he did finally, however, after the governor and officers, &c., elected under that constitution had been recognized by the United States, get his commission and demand the office from Hutchinson, Hutchinson being still in the office exercising the functions of it. He demanded the office, and Hutchinson delivered it under protest. Hutchinson, thinking it was usurpation on his part, entered his protest on the books. He did it under my advice. He asked me whether I thought he ought to resist. I told him no; to simply record his protest, if he chose to do so, and Hutchinson seemed to be discontented. He claimed that he was entitled to the office. That is the explanation I give as prefatory to what Blackford stated to me. Blackford stated to me that he believed that the friends of Hutchinson—he did not charge Hutchinson with any knowledge of the attack on him—that the friends of Hutchinson, acting in his interest, had made the attack upon him, with a view to drive him from the office. He never, in my presence, charged it as having been done on account of his political opinions. It was simply, he believed, because the friends of Hutchinson wished to expel him from the office, as he supposed, for Hutchinson to get the appointment in the vacancy which would be filled by the governor of the State. That, I believe, was the tenor of his explanations and declarations to me. We had frequent conversations about it.

Question. Was it the opinion in the community that that was the cause?

Answer. Well, sir, there was a diversity of opinion. I believe the majority of the reasoning, cool-headed, and thinking men in the community inclined to that opinion. I am frank to say, I inclined to that opinion.

Question. That it was the friends of Hutchinson who wanted to alarm him?

Answer. Yes, sir; for that purpose. It seemed to me that there were several communications.

Question. Did he say these men were disguised?

Answer. He said they were disguised; but he did not know himself, because he did not see them; he had already left; he heard some noise approaching, and he left without trying to inquire the cause of it, or who made it; he had his information just as I had, from hearsay. I have always heard that he was there in bed with a negro woman at that time, and that he attributed his escape to the fact that he was engaged with her in some private employment suitable to the hour or to the occasion.

Question. Did he ever say to you that he had the negro woman in bed with him at that time?

Answer. I do not think he ever said so.

Question. Did he assign his escape to that fact—that he had one there?

Answer. Not to me. I have heard others say he had declared it repeatedly to them.

Question. That he escaped, from the fact of his being awake, having this woman in bed with him?

Answer. He never made that declaration to me; but I have understood from a number of persons that he did assign that reason. I suppose the reason he never communicated it to me to have been this: Blackford always professed to have considerable respect for my good opinion. I had, at the risk of, and to some extent, in fact, I had incurred a little censure from some rather extreme men in their views, as I thought, in the county, when Blackford assumed the office of probate, by becoming his adviser. He was a man utterly ignorant of the law. He had been a physician, and knew nothing of the law; and upon his entering upon that office, he came to me and expressed his intention of discharging the duties of the office faithfully and honestly. He admitted his ignorance of the law, and stated that he wanted some one to advise him; he had come to me because he thought I would do it frankly and honestly. I consented to do so, upon condition that he followed my advice upon all matters in which he required it, and I undertook to meet any responsibility to the people and the popu-

lar sentiment of the county, which he might incur by following my advice as a lawyer. He promised faithfully to do that, and he did so for a number of months—for nearly a year—and his administration gave general satisfaction during that time. I heard no complaints; in fact I heard commendations of Blackford, he did so much better than he was expected to do. After that, however, he seemed rather disposed to cut loose from me as his counsel. It was a gratuity on my part; I never charged him for it; I thought it was a benefit to the people of the county I was conferring upon them in doing so. He chose to give his own views of the law, and did not consult me as often and as confidentially as he had been doing. He would drop in occasionally and ask my advice. I gave it to him always, frankly and honestly; but he would sometimes stretch his power and the jurisdiction and prerogatives of his office beyond what I thought was right. Finally, he ceased altogether almost from consulting me. We had very frequent interviews during the first part of his administration, in that way, and he has, I might say, a score of times professed his entire confidence in my disposition to do him justice, and the people of the county, in that capacity.

Question. He states in his testimony that General Rucker, a confederate general, called upon him, and told him that he had better resign, and that he agreed to do so if his property would be purchased.

Answer. I know nothing of any such interview between him and General Rucker, or any interview between him and General Rucker. I never heard of it nor of any interview of that nature, between him and anybody else; that is, dictating his resignation to him. I do know something about the transaction which resulted in the selling of his property, and in his resignation of his office, which followed not a great while after this occurrence about which you inquired awhile ago. I will state now, as nearly as I can recollect, and in as few words as I can, the occurrences as they came up very shortly after Blackford received that visit from men in disguise. I never have seen but four disguised men since the surrender, and they were boys parading about town in red shirts; that was four or five years ago. Very soon after that visit there was a livery-stable in our town burned, evidently set on fire; the same night, and in the most inflammable part of town, after this livery-table section, a cabinet-shop was attempted to be set on fire. It followed immediately on this alleged visit to Blackford, and after very strenuous denunciations on his part and threatening of what he would do, admitting at the same time that he had no idea that any citizens of our town had anything to do with this trespass on his rights; and popular suspicion settled down on Blackford as having advised or instigated this incendiarism. The substantial citizens of the town conceived that they were between, perhaps, the "nether and upper millstone;" they knew there were in the county men disposed to go beyond what was reasonable and right, to disregard the law, perhaps, in the indulgence of their passions; and, on the other hand, they knew that Blackford, by his unbounded influence over the negroes—for he has told me he could have any man in Hale County assassinated by saying the word, and he has told me of the declarations of the negroes to him—knowing his unbounded influence, and this combustible element around them, these citizens set to work to eliminate them and remove him. They considered him the disturbing element in society. I have been told by Mr. Jeffries, who is here and can inform you, that Blackford, after the suspicion was aroused, and after some investigation was proposed or undertaken in regard to it, sent for him and some other gentlemen to his office. He was in great distress, and proposed voluntarily to them to sell his property, stating that he could not leave the place without it; that if he left without disposing of his property, it would be a sacrifice, and asking them to do him the friendly service of getting him a purchaser for his property. He stated that he was willing to submit the appraisement of his property to a person to be selected by him, and to another person to be selected by the gentlemen for whom he had sent. I do not remember the names of the others. He did select an appraiser, his brother-in-law, J. S. Tucker. These gentlemen selected another appraiser, named Alphonse Stolenwerk, a very highly esteemed citizen of our community. They valued his property, and the price was secured, to be paid according to the terms dictated by Blackford. One of the propositions he made was that, if they would purchase his property, he should resign his office, leave the State, and not return to the community and disturb its peace and quiet any more. That was the entire transaction. I was one of the parties who contributed to make up the amount. The price paid him for his property was more than it was worth. There is not a man who is interested in it now who would not take twenty per cent. less for the interest he has in the property than he gave for it. I should be willing to take more than 20 per cent. less to get clear of it.

Question. Blackford states emphatically that this commitee of citizens waited upon him and told him he must leave; that he alleged as the reason why he could not leave, what you have already stated, that he could not go and leave his property, and that thereupon they agreed to buy this property. I ask you now, whether he was waited upon by any such committee and informed that he must leave.

Answer. I never heard of such a thing either from Blackford or from any other person in the community. I cannot speak positively about it, because I was not one of

the committee myself. I have always understood from the gentlemen who called that committee, that they visited Blackford at his request, I think at a written request from him to go and see him. I know this, that after the consummation of that transaction, after his resignation was placed in the hands of the governor, he made a speech, a public speech, in the town of Greensborough, partly in my hearing, in which he stated that he left voluntarily; that he was not compelled to leave. That speech, I think, was made in the presence of Mr. Jeffries and other gentlemen, perhaps, who are here in town.

Question. He says that when this information was first imparted to him, he had an idea of who these people were, and told them he was prepared to fight any five of them; that he bantered any five of them to fight him; that he went to his office, armed himself thoroughly, and intended to fight; afterward he became a little calm; that a number of the best citizens came to him, and expressed their regrets; that he went out to the woods and staid there several nights, and such was his apprehension, that he staid there Wednesday and Thursday nights; that he was advised by those same citizens not to stay in his house.

Answer. I know nothing of any such advice. I do not know whether he staid in the woods or where. I remember telling Blackford that I did not think he need labor under any apprehensions, if he would behave himself. I told him so a dozen times, that if he would not intermeddle with other people's business, he was in no more danger in the community than I was; and I believe he was just as safe there, personally, as any citizen who acted as he did; that if he had behaved himself in an orderly, quiet manner, he need not have any apprehensions whatever for his personal safety. I have never known any man of the neighborhood molested in Hale County simply on account of his political opinions, black or white, republican or democrat. I have heard of threats which were made by parties to do violence to others, but I have never known it to proceed to the molestation of any man simply on account of political opinion. There are republicans now living in that county who are open and bold in the expression of their political opinion.

Question. He says this committee waited upon him and advised him of his danger; said they regretted it, but could not help it; advised him to leave, and agreed to buy his property upon condition that he would leave. Is it your understanding that those gentlemen waited upon him with any such motive, or that he invited them to the conference?

Answer. My understanding is, that he invited them to the conference. I have always understood so from them. I have perfect confidence in their veracity; they are among our best citizens. I think Mr. Jeffries, who is here, was one of the number, and Colonel Harvey, who is one of the foremost, conservative, moral, and prudent men; a man for whose kindness of heart, and whose perfectly law-abiding disposition and integrity I will vouch, as far as I will vouch for man; one of the best men, I believe, the sun shines on—a man who would not harm the most insignificant animal. I might say he is almost a morbidly conscientious man; he is the editor of a newspaper; I have never seen even a violent article in his newspaper.

By Mr. BUCKLEY:

Question. Is he publisher of the Beacon?

Answer. Yes, sir; the Alabama Beacon—John G. Harvey; he has been editing that sheet for twenty-five or thirty years; he was originally a Jackson democrat; about 1860, he advocated the nomination and election of Mr. Douglas; and since the war he has been by some thought to be extremely conservative in his political views. I know him to be a conservative man in his character, and all his thoughts and ways; he was one of the gentlemen, as I understand, who was called upon by Dr. Blackford, or Judge Blackford, to consult with him in this matter.

By Mr. BLAIR:

Question. Have there been any outrages, other than the visit to Blackford, upon republicans, white or black, in your county?

Answer. Well, sir, I know of one other; I know that the house of a prominent negro, a leader of the republican party, name Landy Charles, (his full name is Orlando,) was fired into some twelve or eighteen months ago; his wife was sitting by a window, and she was shot through the neck, and he very narrowly escaped being killed. I know nothing about the parties at all. I talked with Landy about it, and he declared it to be the firm conviction of his mind that that outrage was perpetrated by negroes instigated by Blackford. At that time there was a considerable feud between Landy Charles and Jim Green, another prominent negro republican in that county, and, I think, Wm. Burley Jones, in this county. There was a competition between Blackford, as I understand it, and Jones, for the nomination for Congress in this district; and a meeting was to be held in the lower part of Hale County; and Jim Green and Landy Charles were rather taking sides with Jones, against Blackford. I went, in company with the sheriff of Hale County and a number of other gentlemen, around to the scene

of this outrage, at his house. I found a number—twenty-five or thirty—buck-shot and balls, had penetrated his house, and he declared to me his conviction that it was done by negroes, instigated by this man Blackford; and I think he died with that conviction on his mind.

By Mr. BUCKLEY:

Question. It was done in the night?
Answer. Yes, sir.

By the CHAIRMAN:

Question. By disguised men?
Answer. I do not know whether it was or not; he did not tell me; he did not see them; he was in his house; I think that it was between 9 and 11 o'clock at night.

By Mr. BLAIR:

Question. What did he base his conviction upon?
Answer. The expressions of hostility on the part of Blackford; they had been on rather ill terms for some time—rivalry and competition; their influences were rather antagonistic in the party. I know of no outrages on republicans of any sort. I know of no outrages perpetrated on anybody in Hale County since the war on account of purely political reasons. I do not believe there have been any such.

By the CHAIRMAN:

Question. You say you know of no other outrages committed in Hale County for political reasons; you may state what other outrages you have knowledge or information of, committed by bands of men after night upon colored men.
Answer. Within what time?
Question. Since the war.
Answer. I will state this: I think, in the year 1867, a negro man named Aleck Webb had a personal difficulty with a young man named John C. Orick, as I understood, for I know nothing of it except from hearsay. It was something like this: Orick was attempting to seduce, or to "keep," as we call it, a mulatto girl, who had some connection with Webb's family. Webb was a very good man; I think his intentions were good; he was a religious man apparently, and he decided to use all the influence he could with the girl to prevent such a thing. Orick heard of it and sought him out, and, in a most unprovoked and outrageous manner, as I thought, and as the community thought, he killed him on the street. That night I was coming from Eutaw, from attending chancery court; I was not in town when the crime occurred. I found the town, at dusk, filled with a band of infuriated negroes, who threatened to burn the town. The white people used every exertion, and attempted to appease them; pointed out to them that they were not responsible for Orick's crime, and were not in sympathy with it. Finally, they had to take arms in order to protect themselves. These negroes, or some of them, went scouring through the country that night, in pursuit of Orick. There was no resistance made, no objection to their capturing him, and having him dealt with according to law. He fled, however; and they went down in the country and caught another man named Gewer; they caught him out in a wood; he had stepped out to answer a call of nature; they pursued him with yells, and with arms in their hands, for a mile or more, across the fields and through the woods, and finally captured him and brought him into the town on Sunday, riding, I think, bareback on a horse. That is one instance of an outrage I have known, perpetrated by armed men. That was not on account of any political reason that I know of. It was through exasperation and grief occasioned by the death of their leader. He was a leader in one of their churches, and was a leader in their political organizations. Aleck Webb was, I think, a man who intended to do right—sought to do right.

By Mr. BLAIR:

Question. Was Orick ever caught and tried?
Answer. He left the State and went to parts unknown; it is not known where he is.
Question. Did they inflict any injury on the man beyond that you have described?
Answer. Nothing more than they carried him up to Blackford's office; he was not then probate judge; they carried him to his office, as to a sort of headquarters, and he was turned loose. He was brought in in his stocking feet. He had gone out, I believe, in his stocking feet; he was not fully clad, at least.
Question. Had he any connection with Orick of any kind?
Answer. None whatever, that I ever heard of. He lived in a different part of the county. Orick lived in Greensborough, Gewer in another part of the county.

By the CHAIRMAN:

Question. Do you recollect any other instances?
Answer. I was trying to think; there was—I suppose, however, that would hardly go in. It would be proper for me to state, in connection with the inquiry of the commit-

tee, there was a Federal soldier who was killed on the day of the first election, immediately after the proclamation of President Johnson organizing the provisional government. We had election for members of the convention in 1865—on the 31st of August, 1865, I think. There was a Federal soldier killed in a personal rencontre by a young man; they had been drinking together, and one of them had offered some insult to the other; a quarrel arose.

Question. I did not inquire about individual cases or difficulties, but where bodies of men have been concerned.

Answer. I cannot recollect any other now. There was one case immediately on the boundary of Hale and Perry Counties; it was within a few miles of the line.

Question. What case was that?

Answer. That was the case of the killing of a man; I cannot recollect his name—Harvey something; he was a negro man; it was in Perry County. That I understood to have been done by disguised men; but I have also understood that he stated before his death—he was murdered under circumstances of very great barbarity—that it was the result of a personal feud between him and others of his own race.

Question. What was his name?

Answer. Harvey McCann.

Question. How many were concerned in his murder?

Answer. I understood that when they first took him, there were some twenty-five or thirty, I think.

Question. In what year was that?

Answer. I cannot recollect the year; it not being in our county, I did not charge my memory with it. In fact, I would not be positive as to any of these dates, only that they have been within three or four years. I might verify them by taking time to think.

Question. Let me refresh your memory by referring to certain cases which have been brought to the notice of the committee. I mentioned first the case of Peyton McDonald, who was put in a calaboose, and a body of disguised men came to release him, to take him from jail, and the citizens resisted. This was about the 1st of May, this year.

Answer. Yes, sir; I recollect that. Peyton McDonald was, I think, indicted at the last spring term of the circuit court of Hale County for malicious mischief, for striking a negro man, and for firing into the house of a negro man. A number of students of the Southern University were implicated in the same transaction. They were arrested and gave bonds, and last fall they were tried and acquitted—the students were. Peyton McDonald fled for a time, but was finally arrested. He returned to the county, and was finally arrested, and, failing to give bond, was lodged in jail. I have been told by those who saw them, that a number of disguised men, perhaps twenty or thirty, made their appearance in the town and sought for the jailer. The mayor of the town and the sheriff aroused some of the citizens, and informed them that if their purpose was to take him from the hands of the law, they would be resisted. They left the town, and made no attempt to rescue him from the officers or take him out of the jail.

Question. Did you understand that they came to the town on horseback?

Answer. My impression is, from what I heard, that they came on horseback.

Question. Is it supposed their purpose was to lynch him or release him?

Answer. Merely to release him; that was the understanding of the citizens. I know we guarded the jail for two or three nights afterward; a voluntary police of the town guarded the jail against any attempt that might be made. I will add that Peyton McDonald was tried and convicted on two of these offenses at the late term of our circuit court, and that an indictment for the assault with intent to commit murder is still pending in the circuit court.

Question. Of what offense was he convicted?

Answer. He was convicted of malicious mischief in pulling off the palings of Mr. D. F. McGrary, one of our wealthiest citizens, and of assault and battery in striking with a stick a negro man whose name I do not remember.

Question. I will ask you to state to the committee what you recollect of a large party of disguised men passing through Greensborough, either before or subsequent to the 1st of May, 1871, toward Marion, and of their attempt to release a prisoner from the Marion jail—a negro man.

Answer. I have heard that a number of persons came from the west, or from a western direction, perhaps twenty or twenty-five. I do not know that I have heard that they were disguised. My impression is that my informant stated that he thought they were disguised. They passed through the town at a pretty brisk trot, at night, about 9 o'clock, in the direction of Marion, and I heard afterward that they repassed at some time later in the night.

Question. Did you hear that they visited the Marion jail?

Answer. I heard that they went to Marion.

Question. Did you understand what their purpose was?

Answer. I have no distinct recollection of their purpose. I understood that they

demanded the keys of the jailer, that he resisted and his family made an outcry, and the citizens gathered and they desisted.

Question. On what charge was this negro confined?

Answer. I cannot say. My impression is that he was charged with having either assaulted or killed a white man—having seriously wounded a white man.

Question. Was it supposed to be the intention of this party of disguised horsemen to release him and then lynch him?

Answer. Well, sir, I do not know what the supposition was, unless I know whether the disguised men were white or black. I have no information as to whether they were white or black.

Question. Have you any information as to what their purpose was?

Answer. None, except their demanding the keys. I could not say they went there to release that particular prisoner. I have heard that mentioned in connection with it.

Question. Were there any other persons confined?

Answer. I do not know.

Question. Was it the general supposition that they were after this negro?

Answer. I never heard enough to say whether it was the general supposition or not.

Question. How far is Marion from Greensborough?

Answer. Eighteen or nineteen miles.

Question. Did the circumstance excite no conversation in Greensborough, no comment?

Answer. It was talked about for a day or so.

Question. Were not the people curious to know what the mission of this body of men was, traveling in the night-time?

Answer. I suppose that their curiosity was aroused to some extent. They inquired and obtained all the information they could, and finding they could learn nothing more, their curiosity died out for lack of something to feed on.

Question. Did you ever hear of a body of disguised men visiting the house of Mrs. Nutting?

Answer. That was on the same occasion, I believe, that they visited Judge Blackford. I heard that they did, the same night.

Question. Did you hear that they fired into the house of Mrs. Nutting?

Answer. I heard Blackford state so.

Question. Did you ever visit the house and verify his account?

Answer. Never, sir. I never have been in the house but once, and that was strictly on business.

Question. Have you any reason to doubt his statement that the house was fired into?

Answer. Only this: I would doubt any declaration of Blackford himself where he was interested in producing a certain impression.

Question. Have you any doubt that they visited Mrs. Nutting to find him?

Answer. No, sir.

Question. Why should you doubt that they fired into the house?

Answer. I never heard any one say they fired into the house but Blackford. I have heard others, the neighbors, speaking of their visiting the house.

Question. Did you ever hear that there was any discharge of fire-arms?

Answer. There were fire-arms discharged that night.

Question. In the neighborhood of Mrs. Nutting's house?

Answer. Yes, sir; and in other parts of the streets.

Question. By this body of men?

Answer. It was attributed to them.

Question. Why should you doubt that the house was fired into?

Answer. I stated that I should doubt it only as I should doubt any statement of Blackford.

Question. Did you hear him state that they shot near his little daughter?

Answer. I heard him say so.

Question. Did you or your friends ever inquire of Mrs. Nutting?

Answer. I have never heard of my friends having inquired. I never did. I have not spoken to Mrs. Nutting, I suppose, in two years—three years, perhaps. In fact, I never did speak to her except on business.

Question. If Mr. Blackford's statement of so important a thing was a matter of doubt, why could not the citizens have taken pains to verify or contradict the account which he gave?

Answer. I do not know why they should not do so. There was a good deal of excitement, as I said a while ago, in the community on the subject of incendiary fires. Citizens were more concerned in protecting their own property than in investigating outrages on the property of others, on the property of Blackford. I presume that was the reason.

Question. Did you hear of any other act of violence committed or attempted by these bands of men that night, except that upon the house of Mrs. Nutting?

Answer. I think not, sir. I think that they confined their trespass or attack to the

house of Mrs. Nutting, who was Dr. Blackford's mother-in-law, and to visiting his room—the room where he was found with this negro woman.

Question. Did you hear of the circumstance of one or two men riding up to a negro meeting, about the 19th of August last, and ordering the colored people there assembled to disband, to disperse and go home?

Answer. Can you state the place? The question is so general; if there was anything to lead my mind to the point perhaps I might recall it.

Question. This was in Hale County, some ten or twelve miles from Greensborough. The men afterward shot into a crowd of negroes?

Answer. I never heard of that, sir.

Question. Have you heard of any negro men being whipped in Hale County?

Answer. I have heard of fights and difficulties between white men.

Question. I mean whipping by bands of men, not by individuals.

Answer. No, sir; I do not recollect any instance of this. I do not think I have heard of any.

Question. Did you ever hear of the case of Philip Green, a colored man, having his house burned by a body of disguised men, in Hale County?

Answer. I never heard of any colored man or white man of that name; there may be. There are a great many there whose names I do not know. I have never heard of that case, or if I have it has escaped my recollection.

Question. Is there a place in Hale County called Pinhook?

Answer. There is a place called Pinhook and New Prospect, also; it is called by different names.

Question. Did you ever hear of two negroes being found dead near Pinhook about in August last?

Answer. I do not know whether it was near Pinhook or not; there was a negro man found dead in the neighborhood. I think it was more in the neighborhood of a place called Hollow Square; found dead near the house of a Mr. Monette; he was, as I was informed, found lying prone on the ground, on his face, with a double-barreled gun in his hands, one barrel of which was discharged; he was shot in the head; it was about seventy-five or a hundred yards from the house. I heard this in connection with that. He was found, I think, on Sunday morning. On the Saturday night before Mr. Monette had one or two friends staying at his house, and one of them was out bathing in the yard, it was late on Saturday night, about 9, preparatory to retiring, and some persons unknown to them, whether white or colored they never stated, but they suspected they were colored, fired into the house a volley or two, and they returned the fire; this young man, who was in the yard, fled for his life; he got into the house, and just as he got into the door a discharge of shot or ball struck the face of the door. Next morning this negro was found.

Question. Did you understand this attack was by a band?

Answer. There was quite a number of shots fired, simultaneously, and they thought it was by a number of men.

Question. Were they said to be disguised?

Answer. No, sir; there was no disguise upon this one that was found.

Question. But upon the men who made the attack?

Answer. They did not see them, as I understood; it was some distance from the house; it was a dark night, I think; I did not hear, and I ought to state in that connection, that a night or two before that a negro prayer-meeting had been fired into not very far from Mr. Monette's house, but not in the immediate vicinity of it, and one of the parties, who was there, was wounded slightly in the leg, and there was some impression or suspicion among the colored people of that vicinity that Mr. Monette or some of his friends were connected with it, though not positively proved. There never was any judicial investigation instituted in regard to the firing into the prayer-meeting. There was a coroner's inquest, I think, held on the body of this dead negro, and a verdict rendered, if I am not mistaken, that he came to his death by the firing of a gun in the hands of a party unknown to the jurors.

Question. Have there been any prosecutions instituted against any person or persons for any of those outrages you have described?

Answer. Well, sir, as I stated a while ago, Peyton McDonald was prosecuted.

Question. I refer to the men who attempted to release him?

Answer. Well, sir, I have never heard the names of one of them mentioned yet. I think the grand jury of Hale County were very vigorously engaged. I was informed by the solicitor, contrary to his sworn duty not to disclose what is in the grand jury room, and he is a very energetic officer in the prosecution of such offenses; he is a son of Judge Young, of this county; a nephew of Judge Brooks; he is very earnest and energetic in the prosecution of these offenses; he stated to me in general terms, that the grand jury were engaged for several days in the investigation of the parties attempting to release Peyton McDonald, as was supposed. They found nothing definite to go upon, and therefore returned no true bills.

Question. Was any prosecution ever had against the men who visited the jail at Marion, and attempted the release of the negro?

Answer. None in Hale County, sir. I should think it would be very difficult to prosecute parties for passing through the county, simply disguised, without knowing who they were.

Question. Was there any prosecution against any of the parties who visited Mrs. Nutting's house; who were after Judge Blackford?

Answer. That matter was investigated by the grand jury, as I understand. I heard from members of the grand jury that they had it before them. I am certain from statements of persons who saw these parties, in fact from the statement of the gentlemen who showed them, or who was compelled by them to show them where Blackford was lodging that night; he was summoned before the grand jury, and stated there, I suppose, as he stated to me, that he could not identify one of them; he sought to identify them; and any prosecution or indictment was impossible by reason of the fact that the parties could not be identified.

Question. Did you ever hear of any negroes being whipped for attending political meetings?

Answer. Never, sir.

Question. Did you ever hear of any attempts on the part of their employers or others to influence their political opinions?

Answer. Never, sir; more than by advising them to vote upon such considerations as any speaker who was seeking his election or the success of his party would recommend from the stump; I have done that repeatedly and in a public manner, just as all gentlemen of all parties, I suppose, over the country, do.

Question. Never attempted to influence them by coercion or threats of punishment by penalties of any kind?

Answer. I will state here in vindication of our people, if any imputation has been thrown upon our county, that, in regard to the last election, last November, Judge Blackford stated to me that he never knew of a fairer election; that he knew of no undue influence on the part of the whites or blacks.

Question. Did you understand that this body of disguised men, who were after Judge Blackford in January, went to the house of Mrs. Nutting, and went to the room where the doctor slept, and made search for him?

Answer. I understood they did look for him.

Question. That they tore up his clothes, and carried his hat around the streets?

Answer. I never heard that. I understood they took his hat and boots from this room where they found them, and exhibited them about the town.

Question. You never understood that they tore up his clothes?

Answer. No, sir.

Question. You did understand that they were after him and meditated mischief?

Answer. I suppose that they meditated mischief, or they would hardly have gone to the trouble of going there. I do not think they intended to kill him; I think that was not their primary object. As I stated a while ago, my conclusion from the circumstances was that their object was to frighten him, and, if necessary, perhaps to inflict some bodily punishment upon him, but I did not think their object was to put him to death.

Question. Did you understand that their object was to make him resign his office?

Answer. Not directly.

Question. What was the distinct purpose, as you understood?

Answer. I do not know that I could say they had a distinct purpose. I do not know what it was. As I stated my impression, and that of a good many others of the most sensible citizens was, that it was prompted by a desire to oust him from his office, and, perhaps, to have a man whose place, as they considered he had taken, reinstated.

Question. And yet he had occupied that position at that time for nearly two and a half years, had he not?

Answer. He had occupied it from July, 1868, until that time. I do not remember the time.

Question. Until January, 1871, about two and a half years?

Answer. Yes, sir.

Question. Why should they have made a raid upon him after this long period of his quiet enjoyment of the office?

Answer. I cannot tell you. I never could see why they should do it at all. That was merely an inference of my own, Senator. I do not know any declarations of the sort from any parties; in fact, I know that the gentleman whose name I mentioned has disclaimed and denied repeatedly that he knew anything about it, or that it had his sanction.

By Mr. BLAIR:

Question. Hutchinson?

Answer. Yes, sir; and he was a very sensible, high-toned gentleman—I will say that for him—he is dead and gone.

By the CHAIRMAN:

Question. Did you understand that the crowd talked of going to the jail to release McGrary, who had been put in jail on the complaint of a negro?

Answer. No, sir; I will explain that. I am glad you mentioned that, because that was an instance of violence perpetrated by armed men. It did not occur to me awhile ago. There was a man named McGrary, who was understood, in our town of Greensborough, to have come from this place, Demopolis; that he had stolen a horse that belonged to a northern man, I think—a white man here in Demopolis—not to a negro. He was found in Greensborough, was arrested by the sheriff, by the aid of a negro man, who pursued him. He fled, and the sheriff, being a portly man, could not keep up with him, and got a darkey to follow on foot; and he, being pretty fleet, caught him. There were some persons who thought that it was rather hard for a white man to be arrested by a negro. The feeling of race was aroused here, and something was said about it, but nothing done at that time. Some time after, but not in connection with the raid on Blackford; I think, perhaps, it was before the raid on Blackford a number of men came. They were traced, a body of them, to the Warrior River. A body of them crossed the Warrior River—possibly they may have had accessions in Hale County. They came there and got the keys, or broke open the door of the jail, and took McGrary out. That is all I heard about that.

Question. He was released?

Answer. He was released.

Question. How large was the body of men who effected that release?

Answer. I never heard the number of men.

Question. Did you understand that they were disguised, and came to town on horseback?

Answer. No, sir; I never heard they were disguised.

Question Was it done in the night-time?

Answer. It was.

Question. Any prosecution ever had for it?

Answer. No, sir. Investigation was had, and it resulted in nothing.

Question. What became of McGrary?

Answer. Well, sir; he has gone to parts unknown. I never heard of him since.

By Mr. BUCKLEY:

Question. Did you ever hear that he was charged with killing a negro man?

Answer. No, sir; I never heard that. He was not charged with that in our county.

Question. I think I remember of seeing something in the Selma Argus about it.

Answer. I remember the article, but I never heard anything of it.

Question. Where the party assigned the reasons for opening the jail?

Answer. Yes, sir; but he certainly was not arrested in our county on any such charge. The charge upon which he was arrested and committed to jail was that of horse-stealing.

By the CHAIRMAN:

Question. You have no doubt of the truth of the statement of Judge Blackford, that he made his escape to the woods that night, and lay in the woods for some nights in order to save his life, have you?

Answer. Well, sir; I am satisfied that he left his room, from what I have heard, because his boots were there and his hat was there.

Question. But upon the night in question?

Answer. As to whether he staid in the woods that night, or any other night, I know nothing, except from his statement. He has told me repeatedly that he did stay in the woods that night, and that he was sharply chilled by staying there. I will state here very frankly and candidly, that from my knowledge of Judge Blackford, knowing him intimately for years—some two or three—I have no great confidence in any statement he might make. I think that Judge Blackford is a man who, with some good traits of character, has this defect: that he is constitutionally incapable of telling the truth, as a general thing.

Question. Are you on terms of good personal relations with him?

Answer. Perfectly kind; except on one occasion, when he proposed to arrest a party without any justification. It was a mere matter of legal advice to him. We never had a harsh word, sir. And that, I will state, is the common opinion in the community in which I live—in Hale County.

Question. That he is not a man of truth?

Answer. Not a truthful man—very far from it.

Question. Would you doubt his statement, deliberately made under the responsibility of an oath?

Answer. I should, under some circumstances; where he had an object to carry which lay very near his heart, I would not believe him.

Question. Did I understand you to say that he confessed to certain parties that he was in bed with a negro woman the night of this raid?

Answer. I understood that he did.

Question. Will you please give their names?

Answer. I think, if I am not mistaken, he told Mr. Jeffries so.

Question. What is Mr. Jeffries's first name?

Answer. A. S. Jeffries. He is here, sir. I think he told me so.

Question. That he was in bed with a negro woman that night?

Answer. Yes, sir.

Question. Did Mr. Jeffries inform you that he told him so?

Answer. I think Mr. Jeffries told me of it; I know he has told me so; whether from Blackford, or not, I cannot say. He is one, I think. I do not know that I can mention any other. I know of one who was present (he saw the woman) who went there with those men, who carried them to the room, and saw the negro woman in the house and in the bed.

Question. Was she undressed?

Answer. She was in that bed.

Question. It is not possible that she took refuge in the bed from fear of the Ku-Klux, after the raid was made; hid herself, and covered herself up with the bed-clothes?

Answer. No, sir; I think she staid there regularly; it was in a room in the back part of Blackford's house, which was fitted up for her accommodation.

Question. Give your reasons and the source of your information.

Answer. I think she staid there; Judge Blackford had the reputation of always keeping some two or three women about his lot. I have seen them frequently in his office, in his private office, I mean, not his public office; and this was a room in the house. I will explain a little, in order that you may understand the location better; here is the main body of his house, [illustrating;] here is the street; the main body of the house faces the street, and it runs back with an L; and there is a dining-room back, and behind that a room originally designed for a store-room, and I was told that this woman occupied it regularly; it was fitted up.

Question. Then Mrs. Nutting must have known it?

Answer. No, sir; not necessarily.

Question. It was connected with her house?

Answer. No, sir; it was in his house; her house is four hundred yards distant; here in the front was his office, and the probate office; it was a dwelling-house fitted up for official purposes; here was the probate office, and here across a passage was the circuit clerk's office, [illustrating,] and here a little portico in front, opening on the street; here was a room originally a dining-room, and this little attachment in the rear.

Question. Did he board with his mother-in-law?

Answer. I think he ate there, and as a general rule had a room there. Senator, I wish to state in connection with your question—it did not occur to me before—in reference to my relations with Judge Blackford, that some time after his entry upon the duties of his office as probate judge, the circuit judge, upon the report of the grand jury, declared Judge Blackford's bond insufficient, and required a new bond, under the new statute to be made. It was thought at that time that Judge Blackford could not make such a bond as would be required, and members of the bar approached me on the subject of my accepting the office, in the event that he failed to give a bond, and made the inquiry of me if I would accept the office, if the appointment were procured by them, without my intervention, and the bond made without any trouble on my part. I stated to those gentlemen that I did not desire the office, and that at that time, particularly, I thought it was our best policy, considering the great influence which Judge Blackford had over the minds of the colored population of the county, that we should retain him in the office, and endeavor to exercise a good influence over him and through him a quieting, conservative influence on the minds of the colored population of the county; and I told that I did not think my appointment could be procured, even if Blackford's bond was not made good. He made great exertions to get a good bond; he came to the lower part of Hale County, and ascertained from some wealthy gentlemen there, landholders, large planters, that they would go on his bond, if some of the attorneys in Greensborough would go on the bond with them as a guarantee that Judge Blackford would be moderate and conservative in his action as probate judge; he came to me and asked me if I would go on his bond; I told him I was not in the habit of going on official bonds generally, except for particular friends, but that I would do so in his case. I went on his bond, and the bond was made good; my name is on his official bond now; it has never been taken off. I will add that I have heard—no one has ever brought the imputation home to me—but I have heard through third persons that I have been charged with affiliation with the republican, or radical party, as it is commonly called, simply because I helped to make his bond good.

Question. You have stated that you had heard Judge Blackford assigned different reasons for the raid upon him on the night in question; you have stated only one of

the reasons assigned by him; that was, the assumed interest of the former probate judge in having his place vacated, and his suspicion that this raid was instigated by Judge Hutchinson.

Answer. Not instigated by him.

Question. At least made in the interest of Judge Hutchinson?

Answer. In his interest.

Question. Now what was the other reason that he assigned for this raid?

Answer. Well, sir, Judge Blackford, in the course of his living at Greensborough, had excited a good many personal animosities against him, by one thing or another; for instance, I could illustrate what I mean to say, by his making a conveyance of his visible property in order to make a favorable compromise with a creditor, I know of his having done that; there was a good deal of bitterness in the minds of some men, one man in particular, on that account, and he had spoken of it very freely to his friends. There were other things in which he had been engaged, not of a political nature at all, merely personal, that had inspired people with dislike for him; he had interfered between laborers—freedmen—and their employers on some occasions; and he attributed this—it was a mere conjectural remark on his part—I think that I stated that the man he attributed it to was the one I mentioned a while ago—he would sometimes allege that it was partly due to personal feeling and animosity towards him, and sometimes he attributed it generally to the leading cause I have mentioned—the disposition to oust him from his office, in the interest of another man.

Question. Was he odious in that community on account of his political sentiments?

Answer. Well, sir, any man who would push his political sentiments, when those sentiments were at war with the very decided and earnest sentiments of the community, and when his sentiments were believed by them to be at war with their best interests, to the extent that Judge Blackford did, would be odious in the community; the mere expression of his sentiments I do not think would make him odious; I know of members of the republican party there who are well treated, who are not stigmatized at all, not intermeddled with.

Question. Men who take an active part in politics?

Answer. Yes, sir; and are very prominent leaders in the republican party.

Question. And are not odious?

Answer. Not odious on that account.

Question. Did I understand you to say your people considered Judge Blackford a disturbing element in the community, and sought to remove him from the community?

Answer. They sought to remove him from the community as a disturbing element, and I think in that view they were correct, Senator; for, since Judge Blackford left the community, I have not heard of a single disturbance in any part of the county. We have some thirty-five or thirty-six hundred colored voters in the county, a large colored population, and, so far as I have known, there has not been the least disturbance in the minds of the whites or blacks toward each other; I never knew a more quiet section in my life; it has been remarked by both white and black.

By Mr. BUCKLEY:

Question. Did you attribute the good order to his leaving?

Answer. I attributed it indirectly to his leaving. I think there were, as there are in all communities among the citizens, persons inconsiderate, headstrong, and disposed to go beyond the limits of reason, and prudence, and the law. Judge Blackford had made himself obnoxious to parties of that kind; they considered him, for instance, as being responsible in some measure for the riding of that young man, Gewer, on the horse, and they treasured up these things; and they looked upon him as an exponent of this hostile feeling which was cherished and kept up by meetings of the Loyal Leagues, and other meetings of the colored people, against the whites; they thought his influence kept that alive; they were exasperated against him and considered him obnoxious, and the danger was between him and themselves.

Question. These parties took a very different view of him from the planters, who were anxious to have his bond made out and to keep him there to restrain the colored people; the two parties must have looked very differently on Judge Blackford?

Answer. They did to some extent, but I think in the latter part of his career as probate judge, they all got to regard him pretty much as a disturber, intermeddling with contracts and the like.

By the CHAIRMAN:

Question. Do I understand you to say that the purchase of his property by the citizens, at a price beyond its real value, was for the specific purpose of inducing him to resign his office and leave the country?

Answer. Well, sir, that was the main consideration, to get him away, so that there might be no food for this excitement to feed upon.

Question. Then he did not sell his property and leave the country voluntarily?

Answer. He stated so publicly.

Question. I will ask you for the fact?

Answer. If you ask me for my opinion about it, I think he would have staid there if it had been left to him entirely; though he had talked before to me repeatedly about his seeking an appointment from the Federal Government as consul at this place and that place.

Question. You think it was this pressure, on the part of the community, that induced him to resign and sell his property and leave the community?

Answer. I could not say there was a pressure on the part of the community; there might have been a pressure on the part of a certain portion of the community, but I would not say.

Question. Were they leading citizens?

Answer. No, sir; I do not believe there was a leading citizen of Hale County that was concerned in any pressure upon Blackford.

Question. Did I not understand you to say contributions were made by citizens of the town for the purpose of buying his property and inducing him to leave?

Answer. Yes, sir.

Question. And that you were one of the subscribers?

Answer. Yes, sir; I was one of the subscribers.

Question. Do you not call that a pressure?

Answer. No, sir. When I offer a man a fair price for his property, no matter what the purpose I have in view, I do not consider that that is bringing pressure to bear upon him, except his interest.

Question. Was not the condition always implied, with the purchase of his property, that he should resign and leave?

Answer. Certainly; we would not have purchased his property except with the prospect of getting rid of that man; we wished to do that in a peaceable, quiet way, and prevent further disturbances.

Question. This was after the Ku-Klux had failed to run him off?

Answer. I do not know what you call the Ku-Klux.

Question. Well, I designate them that way.

Answer. It was after that and after the incendiary fires.

Question. By the way, speaking of Ku-Klux, allow me to inquire whether, on the night of this raid upon Mrs. Nutting's house, and upon the office or room where Judge Blackford slept, the Ku-Klux whistle, as it is called, was heard sounded through the streets of Greensborough?

Answer. I never heard of any specific whistle as being the Ku-Klux whistle; if you will explain to me what you mean by it.

Question. It is said to resemble the English dog-whistle.

Answer. No, sir; I never heard any one mention having heard it.

Question. Did you understand that there was any sharp whistling heard that night in the streets?

Answer. I do not think I ever heard it mentioned.

Question. You have heard of the Ku-Klux order?

Answer. Yes, sir; of the Klan styled Ku-Klux, of which so much noise is made; I have heard of it.

Question. You have heard that they use whistles?

Answer. I do not know that I have heard that they use whistles; perhaps I may have heard of it; I cannot say that I have ever read or heard any one speak of it, to make an impression on my mind; in fact, I have paid very little attention to the subject; I thought it was a bugbear more than a reality.

Question. You think the order of the Ku-Klux is a myth?

Answer. Not entirely. I think—if you wish my opinion on that subject—I think that there have been since the surrender, at different times, in localities, not generally throughout our State and section, but in specific localities, organizations that were secret, and that were intended solely and exclusively for the protection of the citizens, as a sort of police, and as a checkmate to what was understood and believed to be the organization known as the Loyal League. I know of one organization of that sort, sir. There were no oaths, that I remember, except a promise to obey the signals that would have called the parties together; they were to meet at the ringing of the bell; to meet armed, without disguises; a captain was elected; it was immediately after the occurrence in our town (this, the one I know of) of the killing of Webb by Orick. Threats were then made to burn the town. We felt that it was incumbent upon us to protect the women and children of the town; to have an organization upon which we could rely. We did have an organization, and provision was made for its being armed, and for our meeting promptly with our arms at a certain place. We had officers. The purpose was the protection of property and lives, and the safety of the citizens of the place. We had no signal except the ringing of the bell, to get together. As I stated awhile ago, I saw on one occasion in the streets of Greensborough four men disguised in red shirts or jackets; I saw no arms; it was 10 o'clock, on a bright, moonlight night. I think there have been organizations in localities which perhaps

might come under the denomination of Ku-Klux, or some like them, within the last two or three years, perhaps I may say within the last year; but my impression, sir, now is, as far as I can form an opinion, that no such organizations are in existence.

Question. How did you derive your knowledge of the organization you have described?

Answer. From what I heard of parties passing to and fro on horseback in disguise; I never saw one in disguise.

Question. You have heard of parties riding in bands, in disguise, at night?

Answer. Yes, sir; and these I have mentioned; parties passing through the town in the direction of Marion, and this one going after Blackford.

Question. How many instances of the kind do you think you have heard of in Hale County?

Answer. Well, sir, I have heard of the instance of the parties going to Marion; I have heard of the parties who came to release McDonald; I have heard of the disguised party that killed Harvey McCann in the edge of Perry, and the one that visited Blackford, if I have not mentioned that. I think that those are all.

By Mr. BUCKLEY:

Question. The case of McGrary?

Answer. I cannot say whether they were disguised or not. I have heard of the party going there, and what they did; but I cannot remember about their being disguised. My impression is they were disguised.

By the CHAIRMAN:

Question. I would be glad to have the benefit of your knowledge or information as to the specific objects for which this organization was created; what they aimed to accomplish, and did accomplish.

Answer. I hardly know how to go about answering that question. As to what their objects were, I could only infer from what they attempted. I can make no inference. I should think that their object was primarily something like that of the masonic order, only that the masonic order is restricted within the limits of law, and that imposed no restriction upon them—the defense of each other through thick and thin; standing up to each other through all emergencies.

Question. Were not all their demonstrations acts of violence, either committed or meditated?

Answer. All that I know about were such as I would characterize as unlawful; I do not know anything else.

Question. Then it was an organization whose purpose was to violate the law?

Answer. I cannot say that was their main purpose; that might have been incidental to their main purpose. But I think that their purpose was, as I have said, something analogous to that of the masonic order.

Question. Did it not so happen that all their raids, so far as your information extends, were made upon republicans?

Answer. The raid upon the jail was not upon a republican. The sheriff of Hale County is a democrat; at least he passes for one.

Question. I suppose the raid was not against him; was it?

Answer. I should say it was; he was the officer in charge of the jail.

Question. They were after the prisoner, I understand.

Answer. They may have been after him, to hang or release him.

Question. He was a republican, was he not?

Answer. No, sir; I do not know what his politics were; I think McGrary was a democrat, if he had any politics; I do not know.

By Mr. BUCKLEY:

Question. Their object was to release McGrary?

Answer. Evidently that was their object.

Question. They did not hang him?

Answer. No, sir.

By the CHAIRMAN:

Question. Will you give any instance in which they have visited a democrat with the purpose of committing violence on his person?

Answer. I cannot say that I know of any instance.

By Mr. BLAIR:

Question. Were the men who were assaulted in their houses, of whom you have spoken, when a negro was found dead lying outside, democrats?

Answer. Yes, sir, they were democrats. I did not think of that case, but I do not know whether they were disguised or not.

Question. Whether the negroes were disguised or not?

Answer. No, sir. In the case of McCann, his dying declarations were that they were

negroes, who had a personal feud with him, and that they were disguised; and Perry County is now sued, under a law of this State, for $5,000 for a murder by disguised men.

By the CHAIRMAN:

Question. Have you any information that one of the objects of this organization was to compel republicans holding office to resign?

Answer. No, sir, not simply because they were republicans. We have had in our county, which is largely republican, three or four to one, perhaps more than four to one, republican officers, who have been entirely unmolested. In fact, I think the only one who has been molested was Blackford. There have been republicans there who have been exceedingly objectionable to the people, who have never been molested. One of them, the commissioner of our county court of revenues and roads, was at the late term of court indicted for three cases of forgery. He has never been molested. He is considered a very bad man, and, in fact, dangerous in the community, by all our best citizens—C. W. Hatch.

Question. The republican officers, generally, are in very bad repute in Hale County, are they not?

Answer. They are generally men of low character.

Question. You are a democrat, I believe?

Answer. No, sir.

Question. Are you a republican?

Answer. No, sir.

Question. Do you vote the republican ticket?

Answer. No, sir, I have voted the democratic ticket, but I have never affiliated with that party further than mere co-operation with it. I have never been anything but what I call an old-line whig. I have never attached myself to any political party since that became defunct.

Question. Were you in the confederate army?

Answer. Yes, sir. I opposed secession.

Question. As a private or an officer?

Answer. I went into it as a private. Allow me to say, in connection with that and precedent to it, that, with the majority of the old-line whigs of this State, I was opposed to secession. I went into the army after the war had progressed something more than a year, perhaps, as a private. At the close of the war I held a commission as a first lieutenant of ordnance on the staff of the army of Northern Virginia.

Question. Are you a native of the Southern States?

Answer. I am a native of North Carolina. I have been a resident of this State, mainly, since the year 1838. I may say I have been an Alabamian almost entirely. I have lived five years in Mississippi; with the exception of that and the time in Tennessee, Virginia, and Georgia, in the confederate army, I have been all the time in Alabama.

By Mr. BUCKLEY:

Question. I think I have seen some notice of an outrage committed upon a man by the name of Meredith, who taught a school not far from Greensborough. Have you ever heard of that instance?

Answer. I do not think I ever heard the name mentioned in connection with an assault.

Question. I have got the impression in some way that he was teaching a school, and was taken out one night to the swamp, and was threatened and handled roughly, and finally released.

Answer. If such a thing has occurred, I have never heard of it; it is possible that in some remote part of the county something of the sort may have occurred without my hearing of it.

By Mr. BLAIR:

Question. It is located at Greensborough.

Answer. No such thing has occurred in Greensborough, I think.

By Mr. BUCKLEY:

Question. Within twelve miles of Greensborough, or about that?

Answer. Possibly it might have occurred without my knowing it. I would not say, on oath, it could not have occurred.

Question. What has been the general conduct and behavior of the colored people of your county?

Answer. Well, sir, until the present constitution was adopted, with the exception of cases of excitement arising out of personal difficulties, like that of Webb, their conduct has been generally very good; that is, in regard to violence, and things of that sort. I think, though, altogether, I may say, we have as good a population, white and black, as could be found anywhere in the State of Alabama.

Question. How has it been since the adoption of the constitution?

Answer. Well, sir, they have taken more interest in politics, been more excitable, attending political meetings and elections, and still, I do not know of any very violent spirit being manifested. I have known some instances where they have been charged with resisting process; but none, except cases where some of them fired, or were supposed to have fired, into Morette's house, and that case of McCann.

Question. Judge Blackford has spoken to the committee of an address that he made there upon the subject of labor—the relation of the laborer to the planter; he stated, also, in that connection, that it met with the approbation of the citizens of Greensborough. Do you recollect any such instance?

Answer. Well, sir, Judge Blackford has made a good many addresses. I never have heard all of any one of them. I only heard a portion of the last address he made, the time I mentioned, in regard to his leaving. It was a sort of farewell.

By Mr. BLAIR:

Question. Did you hear of his labor address?

Answer. I have heard of several, but they made no impression on me as being very commendable or censurable.

By Mr. BUCKLEY:

Question. Did you think they had a good effect on the labor of the county?

Answer. Well, sir, I never saw any difference. I think, if left alone, we would have no difficulty between laborers and employers in our county at all.

Question. Judge Blackford has spoken quite freely of the leading citizens of Greensborough and Hale County, and their efforts to obey the law and preserve the peace, and has spoken, also, of the investigations had into his official conduct and the manner in which he conducted his office. He said a company of citizens, or delegation, or committee, examined the records of his office.

Answer. Yes, sir; I was one of that committee, I believe, when he left there.

Question. What was the report of that committee?

Answer. Well, sir, I could not state that, because I do not remember it.

Question. Can you give the substance?

Answer. I can give you the circumstances under which the investigation was made. When Judge Blackford resigned his office and was about to turn it over to Judge James M. Hobson, the present incumbent, he requested some attorneys of the place—I think Mr. James E. Webb, perhaps Mr. A. B. Pitman was another—and I think he requested me, as one of his bondsmen, to look over the books of his office, to ascertain the condition of the bonds he had taken of executors and administrators, and his fee bill, with a view of showing to his other bondsmen in what condition he left his office. We did so, and, generally, we found his books well kept and his fees fairly charged; and the bonds which he had taken were generally, in our opinion, sufficient; the report was favorable, so far as his official conduct was concerned. It was with a view of relieving the minds of his bondsmen on account of any liability for his official action; and, as one of his bondsmen, I was pleased to see that he had taken the bonds of executors, administrators, and guardians, in a way that was apparently satisfactory and sufficient to relieve his bondsmen from liability.

By the CHAIRMAN:

Question. Was his general administration, as judge of the court of probate, approved by the community?

Answer. Well, sir, as I stated a while ago, the first portion of his administration was; people thought he was doing remarkably well, considering his ignorance of the law. The latter part was not so fully approved of.

Question. He never was suspected of corruption in office, was he?

Answer. No, sir, not that I ever heard.

Question. Was he not generally regarded as an honest man?

Answer. Well, sir, there was a difference of opinion about his honesty. Some thought he was a dishonest man; others again thought that he was not. It depended very much on the standard of honesty. Some men think he is honest; others do not think so.

Question. Is he not a man of fine general intelligence?

Answer. I think he is intelligent as a physician. I think he is not generally intelligent.

DEMOPOLIS, ALABAMA, *October* 28, 1871.

JAMES J. GARRETT recalled.

Mr. BLAIR. Mr. Garrett wishes to correct a statement which he made in his testimony last night, in reference to some matter, which he will state.

Answer. If I recollect aright, I stated as my impression and recollection that the visit of disguised men to our town, Greensborough, Hale County, for the purpose, as was understood, of releasing the man McGrary, charged with horse-stealing, from jail, and the visit in which Blackford was expelled or driven from his room, to which I alluded last night, were distinct visits. After I left the committee's room last night, I was in conversation with some of the gentlemen of our town, and they recalled the facts to my recollection, which satisfied me that I was in error in stating that they were distinct visits. The parties who released McGrary were the same parties, or a part of the same, who visited Blackford, and it was done on the same night. My testimony would show that there was one more visit of armed disguised men, or men understood to be armed and disguised, to our town than there actually was, the visit to Blackford and the release of McGrary being on the same occasion, and, I have understood, by the same parties.

By the CHAIRMAN:

Question. Did you understand that the jailer made resistance?

Answer. Well, sir, he did not make resistance further than he refused and declined to deliver the keys of the jail, I am not certain, and they broke the lock of the jail.

Question. Did he inform the sheriff or endeavor to prevent a rescue?

Answer. My recollection is that they took him in charge.

Question. Is that jail right in the midst of the town?

Answer. At that time the jail that was used was the old town calaboose. The county jail was not then complete; it was right in the midst of the town; the sheriff lived two or three miles in the country; his deputy lived within the corporate limits, within three-quarters of a mile; the jailer lived immediately in the town.

Question. Could the jailer have, by outcry, called men to prevent the rescue?

Answer. He might, at the risk of his life.

Question. Have you any idea that those Ku-Klux would have done violence to him?

Answer. I do not know whether they would or not; they threatened it, as I understood; presented pistols, and told him to deliver the keys, and he failed to deliver the keys; he said it was actually the fact that he did not know where the keys were; he had delivered them to the deputy sheriff, and he had put them in some private place, perhaps in his iron safe.

Question. Was there any stir in the community over this?

Answer. There was a good deal of excitement and stir generally.

Question. Any effort to find out the men who rescued the prisoner?

Answer. I stated last night that the grand jury investigated the matter. It was a month or two afterward before the grand jury met, the spring grand jury.

Question. I am speaking of any effort on the part of the citizens of the town?

Answer. No, sir; the general belief was that the party came from Sumter or Greene County, or both; they were traced on their route to Greensborough from the Warrior River, at some ferry on the Warrior River; they were traced back that far, and it was considered useless by the citizens there to attempt to investigate a matter which related to parties entirely outside of the county.

Question. How far is it to the Warrior River?

Answer. By the road generally traveled, to where it was understood they crossed, it was about sixteen miles.

Question. Was it understood that this Ku-Klux organization existed in Sumter and Greene Counties?

Answer. There was an impression to that effect; of course we knew nothing about it; we heard the stories of, and saw in the newspapers accounts of, acts of violence, and statements made about disguised men and their purpose. Beyond that we knew nothing. There is very little communication between those counties, none between Sumter and Hale Counties, and very little, comparatively, between Greene and Hale, because they are separated by a river, and the interests of the people lead them in different directions toward business communication.

DEMOPOLIS, ALABAMA, *October* 27, 1871.

ALGERNON SIDNEY JEFFRIES sworn and examined:

The CHAIRMAN. This witness having been called by the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. State your residence and occupation.

Answer. Greensborough, Hale County. I am a merchant and also a planter.

Question. How long have you lived in Greensborough?

Answer. I went to Greensborough in 1861, sir. I have been living in Hale, though, since 1855—in the county; I went there after the war.

Question. You are called specially in reference to the case of Judge Blackford. He stated here in his testimony that you and others waited upon him, and indicated to him that he must resign; that the citizens of that place required him to resign his office as probate judge.

Answer. Dr. Blackford was mistaken in that, sir. Dr. Blackford sent for me, Colonel Harvey, and Dr. Peterson, after a visitation, as I learned, of the Ku-Klux. I was absent at the time; I was in Selma or Louisville, I do not remember which. After I came back, Dr. Blackford sent for Colonel Harvey, Dr. Peterson, and myself. Dr. Peterson refused to go. We then took Mr. John Henry Webb. Before we got to Dr. Blackford's office, we met with Dr. Wadsworth, who is now in Montgomery; he was professor then, and we took him in, remarking that we would take him in to sanctify the thing. Dr. Blackford told us of the visitation of the Ku-Klux, stating what a narrow escape he had made; that he had escaped through the window, and that he had been sleeping out in the woods for several nights—some two or three nights; I do not remember the exact number; that he felt very insecure; and he asked us our opinion in regard to it. We told him very frankly we agreed with him with regard to his insecurity, and he then said that he wanted to leave Greensborough, and could not leave a beggar; that if the citizens of Greensborough would buy him out—would buy his property—he would leave there—leave the State—and would never return to Greensborough. It was suggested that it was doubtful whether we could raise the necessary means to do it, and I recollect distinctly I made the suggestion that he should leave his property in charge of his brother-in-law, Mr. Tucker; and that I had no doubt that we would make up money enough for him to leave; that I thought that could be done easier than the purchase of his property. He said, no, he would not leave a beggar; he then went on afterward, privately, to tell me his motive why he did not; he then contemplated going to Texas. We then told him we would make the effort to raise the money to buy his property. In a few days after he wrote his resignation of the office, and left it, conditionally, in the hands of Mr. Walker, a young attorney there, and we made the effort; I took the subscription around—Mr. Webb and myself—to raise the money to buy his property. I am a little too fast. He made a condition in regard to that; that his brother-in-law, Mr. Tucker, should be one of the parties to value his property. Mr. Tucker was one of the parties, and the other parties, two other gentlemen, were selected at that time to value his property. That property was valued at a little over $5,000, I think; it was either $5,000 or $5,500, I do not remember which now; it has been some time, and I have not thought of it much since, though I am a stockholder in the property about $300. Dr. Blackford made a speech to the negroes afterward—he was very drunk, very much intoxicated—in which he declared that he was not driven off. Now, I felt that he was in danger, and I have felt that he was in danger for years. I believe that if he were in New York, sir, or in Indiana or Illinois, or Missouri, he would be unsafe, acting exactly as he did act in the community there; I believe any man's life would be unsafe; I am satisfied of it. Dr. Blackford was my physician for ten years, sir. I gave him the first case he ever had in Greensborough. I was then living down in the prairies, where it is a very muddy country—this black land; and my little son, my only child, was going to a school in Greensborough, and I moved to the town of Greensborough to get out of the mud, and boarded at the hotel. Whilst there Dr. Blackford came in, and I had a very valuable black woman who had *prolapsus uteri.* He talked physic glibly, and he told of remarkable cures, and spoke of prolapsus of the uterus, and I agreed to give him the case, no cure, no pay. He took the case and cured her, and it gave me confidence in him as a physician. He was my physician for ten years—all of ten years.

Question. You say you believe he would be in danger anywhere, acting as he did; what was his conduct?

Answer. The first instance of Dr. Blackford's indiscretion—for I can call it by no milder term—which came under my immediate observation, was when this unfortunate tragedy took place, the killing of Alexander Webb by an indiscreet young man: John Orick was the young man's name. The killing was close by my store; and I learned afterward that it grew out of the intimacy of this young man Orick with a negro girl, and some conversation perhaps had passed between Aleck Webb, the man killed, and and the young man Orick, relative to this girl. Well, Webb was killed; no politics in it, nothing of the kind. Dr. Blackford took a very active part in it. Up to that time we were good friends. We were political friends during the war. I was a Union man and opposed to the war, and Dr. Blackford entertained views pretty similar to my own at that time. I heard that Dr. Blackford remarked to the negroes that they ought to avenge the death of Aleck Webb. I immediately went to him and told him he was imperilling the life and property of every man, woman, and child in the town, white and black, and urged him by all means to desist from any remarks of that kind, and use his influence in quieting this thing. There was a great deal of excitement. I suppose there were five hundred or one thousand negroes—I do not know how many. The town was threatened with being burned. Every citizen who had any interest there felt anxious. We sat up two nights all night long, without closing our eyes. I was

trying to reconcile this difficulty. After it was to some extent closed or quiet—in the meantime, though, Major Price, who was then commander at this place or post, sent off a company up there; that put a quietus to the excitement at that time. Dr. Blackford was exceedingly indiscreet, sir, in his remarks, frequently. He became intemperate. He was not intemperate for a number of years after I knew him, so far as I knew or suspected, but he became quite intemperate after this occurrence with Aleck Webb, and after the political position which he took. He frequently made threats—violent threats, as I learned from many parties there in town; he would say that he could have the town burned at any time, or if anybody hurt a hair of his head that he had five thousand negroes to stand at his back. Well, it was very indiscreet and improper for him to make remarks of that kind, and well calculated, of course, to alienate and excite the people.

Question. What was the cause of the attack upon him—this Ku-Klux attack?

Answer. I was not there.

Question. Did you hear it from him?

Answer. No, sir; he did not tell me what was the cause of the attack, and I never knew really what was the cause, except the general feeling that prevailed against Dr. Blackford owing to these indiscretions. My impression is that if Dr. Blackford had been as prudent as other men—other men there entertained similar views to Dr. Blackford and there were no attacks, no visitations, no threats that I heard to these men. There was one circumstance, perhaps, it would be well for me to mention in which Dr. Blackford took part. It was the time the soldiers were there; there were a number of Federal soldiers, and, whilst there, they knocked down a man by the name of Clause, a Freedmen's agent, and they ducked a negro teacher that was over the creek.

Question. Who did?

Answer. The Federal soldiers, sir; and Dr. Blackford left town, and went up in the hills, some ten miles above Greensborough, as I learned. We had two stores in the town, in Greensborough, and I went up to the upper store—Dr. Blackford's brother-in-law, Mr. Tucker, was clerking for me in the other store—I went up to draw the cash-sales of the day, to take them down to the lower house, and Mr. Tucker told me he had understood that violence would likely be used on Dr. Blackford; that these soldiers were going up in pursuit of Dr. Blackford. I told him that would not do, and immediately went out and reported to the commandant, who was—I do not remember his name; I think he was a lieutenant who was sent up from Selma. He sent some soldiers. I got my horses—I sent two of my own horses—and they went up there that night, and Dr. Blackford had removed from the place he was, and gone to Mr. Clement's, some eight or ten miles further. They went to Mr. Clement's house, and brought him to town the next day. Dr. Blackford then renounced his political views, stated that he would not accept the office of probate judge, and that he was not in favor of the negro's rights beyond the white man's rights; that he was loyal to the South, in other words. After this publication—I had not spoken to Dr. Blackford for some time—I told him I had no use for a man who would imperil the life and property of the citizens, and I had nothing to do with him at all. I then met him passing by Mrs. Nutting's, going to my house from the business part of the town, as I was going down; I met Dr. Blackford; he came up to me and offered me his hand, and remarked to me he had done wrong, and had amends to offer, and that he did not intend to do so any more. I then took his hand, and remarked to him, "Dr. Blackford, when you do right I am your friend, but when you imperil the lives and property of the citizens of Greensborough, I am your enemy." And we continued friends for a good while, and everything went on pleasantly. It was not long before he took the probate's office, and declared that he was a radical, I believe.

Question. What cause did he assign to you for the attack upon him; did he assign any cause?

Answer. No, sir; he assigned no cause. I had no conversation with him, except this conversation which I state.

Question. Except when he wanted you to purchase the property?

Answer. Yes, sir. I was not there when the Ku-Klux visited Greensborough. My information is all hearsay in regard to that visitation.

Question. Did he make to you any statement as to how he effected his escape?

Answer. Yes, sir.

Question. What was it?

Answer. He said he got out of the window. I learned though, afterward, from a gentleman, that he was in bed with a negro woman.

Question. Did he tell you so himself?

Answer. No, sir; he did not tell me so, but he told those parties who stated it. It was common report there. It made an impression upon me, because he used a term I never heard used before; that is, that he was "splitting a nigger;" that "if he had not been splitting a negro woman, they would not have got him."

By the CHAIRMAN:

Question. Who were the parties he told this to?

Answer. Well, sir, I do not remember who it was. Some citizens there told me that, reliable citizens, sir.

Question. Did they tell you they had heard him make that admission?

Answer. Yes, sir.

Question. Cannot you furnish the committee with their names?

Answer. I cannot. I might be able to, by inquiring around town who it was. My memory does not serve me, though, who it was.

Question. You are sure that the information they gave you was that they had heard him make this admission themselves?

Answer. Yes, sir.

Question. It has been said here that he made that admission to you.

Answer. No, sir.

Question. That is untrue, is it?

Answer. Yes, sir. It was not to me. He did not make that statement to me.

By Mr. BUCKLEY:

Question. Do you believe that that was the fact?

Answer. Yes, sir; I do. And as an evidence of it, I told Dr. Hamilton and Dr. Wadsworth, sir, what I had heard.

By Mr. BLAIR:

Question. What is the condition of affairs in Hale County, with respect to the peace and order, and the execution of the laws?

Answer. Well, sir, I know of no instance in which the laws have not been executed. I have known of no resistance to the laws. We have very good order there; we have had fine order since Dr. Blackford left there; we found very great difficulty in controlling our negroes when Dr. Blackford was there—very great—owing to his frequently calling them together; calling the negroes from their work to attend night meetings and day meetings, which he held in Greensborough.

Question. Did you ever hear him speak to the negroes?

Answer. Yes, sir.

Question. What is his style of speaking to them?

Answer. Well, sir, it was rather a random sort of speaking.

Question. Calculated to excite them?

Answer. Yes, sir; it was calculated to excite them, but not to excite them to any violence. I think he was too politic for that in public.

Question. Had you any reason to believe that his teachings to them in private were of a different character?

Answer. No, I do not know that I did. I think that his teachings were calculated to keep the negroes from rendering that service which an employé should render to an employer; and I will illustrate in one instance. I cultivate several plantations. Upon a plantation three and one-half miles from Greensborough, I went down for the purpose of making my yearly contract. I agreed with the negroes, and drew up the contract in accordance with the understanding, and handed it to the gentleman superintending my business there, and told him to get the negroes to sign the contract. It was late in the evening before I got through with it. I went home, and the next morning, I think, I was advised that the negroes stated it was unlawful for them to make a contract, except in Dr. Blackford's office, or before him. I immediately sent around to the hands to come in; that I did not care where they signed the contract—"signed" I should have said, instead of "make." The hands came in. I immediately told them we would go up to Dr. Blackford's. We went up there. I handed him the contract; he read it; complimented the contract; told them that I was giving them fine land to cultivate, and good teams, and would feed them well, and that they must give me good, faithful work, commence early in the morning and work until noon, lose as little time at noon as possible, and work until night. They all signed; he witnessed it, and after he got through, I said: "Well, doctor, I would be very glad if you would tell these people that they are free, as free as you or I, and that they have a right to sign a contract on the Stephens place, or any other place in the county, or in Selma or any place, and that they have a right to determine upon the price." He immediately remarked that he had never said that they did not have, and stated to them that they were free, and that what I had said was so. After I got out, though, the negroes told me that Dr. Blackford did not talk to them so in private. That sort of things I thought had a very bad effect upon the negroes. I am satisfied that it was for the purpose of holding a control over them.

Question. What was the opinion, the generally received belief in the community, as to the reason of the attack upon him?

Answer. Well, sir, I do not know. I think it was owing to the fact that he was looked upon as a dangerous man. There was a fire that occurred a few nights, I

think, after the visitation of these Ku-Klux, and it was the impression of some, I think the impression, perhaps, of the party whose house was burned, Mr. Jackson. There was another house set on fire; that was subsequent to the visitation of the Ku-Klux. But there was a strong feeling against Dr. Blackford. He was constantly intermeddling, as I learned, with the hands on the plantations, drawing them off; and that, I think, led to this unkind feeling against him to some extent; that, in connection with other things—his indiscretions, which I have spoken of.

By the CHAIRMAN:

Question. Were you at home the night of the raid upon Dr. Blackford?

Answer. No, sir.

Question. How long after that event before you returned?

Answer. I think it was several days. I do not remember exactly.

Question. You heard it spoken of frequently after you returned?

Answer. Yes, sir.

Question. Did you understand that the attack was made by a body of men in disguise and armed?

Answer. Yes, sir.

Question. Did you learn that they had entered the house of his mother-in-law, Mrs. Nutting, and searched for him?

Answer. Yes, sir.

Question. Did you understand that they had fired into the house?

Answer. Yes, sir; I understood that they fired some pistols, two or three pistols, and that one of the balls entered her house.

Question. Did you understand they had endangered the life of his child?

Answer. No, sir.

Question. That the ball passed near where his child was lying?

Answer. I was under the impression that it was Mrs. Nutting, instead of the child.

Question. How large was the body of men understood to be that made this raid?

Answer. I think thirty or forty men.

Question. Were they disguised after the manner of the Ku-Klux?

Answer. I suppose so; that is what I learned.

Question. Did they go there mounted on horseback?

Answer. On horseback? yes, sir.

Question. Was there any belief as to where they came from?

Answer. I heard different conjectures with regard to that. The impression of some was that they were from Sumter County. Others supposed they were from Greene, and partly from Hale. It was a mere conjecture, though, sir.

Question. Did you understand that efforts were made on the part of the citizens to trace this party, and find out who they were?

Answer. No, sir.

Question. Were any efforts ever made on the part of the community to learn who these disturbers of the peace were?

Answer. None, sir, that I know of.

Question. Did you understand that their purpose was to take the life of Judge Blackford?

Answer. No, sir.

Question. What did you understand their motive was?

Answer. Well, sir, that was the inference I would draw; I understood that was the inference he drew.

Question. Have you any doubt yourself that that was their purpose?

Answer. Well, sir, I have no doubt but their purpose was either to treat him with indignity or else to take his life.

Question. Did you understand that they took his clothes and tore them; that they took his boots and his hat, and paraded his hat upon a pole through the town?

Answer. Yes, sir.

Question. Did you understand that they went from Mrs. Nutting's to the room where he was in the habit of living, and made search for him there?

Answer. Yes, sir; I understood that they first went to Mrs. Nutting's house, and they afterward went to his house, where he was sleeping at the time, or lying at the time in the bed. This is what he told—that they visited him there; and I heard of their going to Mrs. Nutting's.

Question. Did you understand that they perpetrated or attempted to perpetrate any other violence that night?

Answer. None, sir; except, I think, they took or released a prisoner that was in jail.

Question. That was McGrary, was it?

Answer. Yes, sir.

Question. McGrary was a democrat, was he not?

Answer. Well, I do not know what his politics were.

Question. Had he been put in jail upon the charge or complaint of a negro?

Answer. Yes, sir, I think he had.

Question. Did you understand that they took this prisoner out by force and released him?

Answer. Yes, sir. I understood that they got the key of the calaboose from the jailer, and released him.

Question. Did the jailer resist?

Answer. Not that I heard of. I do not know.

Question. What became of the prisoner whom they released?

Answer. I do not know, sir.

Question. Did he make his escape from the country?

Answer. I think so, sir; I have never seen him since.

Question. Do you know or have you heard of any other outrages, attempted or committed, by bands of disguised men in the night-time, in Hale County?

Answer. No, sir. I saw on one occasion a number of men. I was standing in my store door, and a number of men passed, going through town, but they did not stop. I understood they went on to Marion; passed through Greensborough.

Question. Was this after the raid on Judge Blackford?

Answer. Yes, sir.

Question. How long after?

Answer. I cannot tell; I have a very indistinct recollection.

Question. What did you understand was their purpose in visiting the jail at Marion?

Answer. It is a very vague impression I have in regard to it, but my impression is, it was to release some prisoner there; but still it is not sufficiently distinct for me to give an opinion.

Question. Did you ever hear that any colored men had been whipped in Hale County by bands of disguised men?

Answer. Yes, sir; it occurs to me that I heard of one who was whipped up near Havana, above Greensborough.

Question. What case was that?

Answer. I do not know the case.

Question. When did that occur?

Answer. I really could not tell whether it was a year or two years; I do not remember when.

Question. Was the negro whipped?

Answer. I understood he was whipped.

Question. Did you understand what his offense was?

Answer. No, sir; I may have heard it at the time, but it has escaped me.

Question. Was this raid upon Judge Blackford's office, or bed-room, and Mrs. Nutting's house, generally condemned by the community?

Answer. I think so, sir.

Question. Was public sentiment upon that question divided? Was there a part of the community who commended the act?

Answer. I think it very likely that there was.

Question. Numerically was not that the larger party—those who approved the act?

Answer. I think not, sir.

Question. Did I understand you to say there was no effort made to discover the perpetrators of this outrage?

Answer. None that I know of, sir.

Question. If Judge Blackford had been a man in good standing in the community—in favor with the people generally, would there not have been a great hue and cry, a great effort made to discover the perpetrators of the outrage?

Answer. I do not suppose there would, sir.

Question. Was it said that Mrs. Nutting was at home at that time?

Answer. I think she was, sir.

Question. She was a woman held in good respect in the community?

Answer. Yes, sir; fair respectability.

Question. Was it not regarded as a great outrage upon her that her house should have been visited by a band of men in disguise?

Answer. Yes, sir; I think so. I think that most of the citizens felt so, sir. I heard a good many speak very disapprovingly of it, indeed. They took Mr. Tucker with them when they went to get Dr. Blackford; they took him around to find him.

Question. Mr. Tucker was his brother-in-law?

Answer. Yes, sir.

Question. Did he go voluntarily, or was he compelled to go with those men?

Answer. It is only inference. I should suppose that he felt that he must go; that it was unsafe for him not to go.

Question. All of Judge Blackford's relations or connections there are democrats, are they not?

Answer. I believe they are democrats. Still, Dr. Blackford told me on one occasion afterward that Mr. Tucker and Mr. Nutting were radicals.

Question. Did you never hear of a case occurring about the 1st of May last—that of Peyton McDonald—who was put in the calaboose and the Ku-Klux came to release him and the citizens prevented it?

Answer. Yes, sir.

Question. How large a body of men did you understand visited the calaboose upon that occasion?

Answer. Well, sir, I do not know. I think it was twenty to forty men; something like that.

Question. Were they said to be men in disguise and armed?

Answer. Yes, sir; I think they were in disguise; I do not know whether they were armed or not.

Question. Was it said that they came upon horseback?

Answer. Yes, sir; I think they came upon horseback.

Question. Was that before or after the raid upon Judge Blackford?

Answer. Really, I cannot tell; I do not remember whether it was before or after, sir. Now, I recollect the occurrence very distinctly, of Mr. McDonald, because he shot into a house I went around to see—a house I have the control of as executor.

Question. Did you understand that the mayor of the city summoned a posse that met this Ku-Klux band and drove them off?

Answer. Yes, sir; I think a posse of men were subpœnaed there to guard it.

Question. Was any notice of that outrage taken by the judicial authorities?

Answer. Of the outrage of McDonald?

Question. Of the attempt to release McDonald?

Answer. Not that I know of, further than a guard there; my impression is that I served in that guard, to prevent the Ku-Klux from interfering with McDonald, or releasing him.

Question. Did you see them upon that occasion?

Answer. No, sir; I served the second night, the night after they visited there.

Question You apprehended a return?

Answer. Yes, sir. I will say, further, I think if the citizens of Greensborough had known that the first Ku-Klux that visited Dr. Blackford were coming there, if they had had timely warning, they would have turned out and prevented it.

Question. Did they volunteer to guard him afterward as they did to prevent the attack of the Ku-Klux on the jail?

Answer. There was no further attack.

Question. There was no further attack on the calaboose?

Answer. There was no further attack at that time. I heard the citizens express a willingness to protect him.

Question. Is it understood that he took refuge in the woods to save his life?

Answer. He told us so.

Question. Have you any reason to doubt it?

Answer. None, sir. I did not doubt it; I fully believed what he stated.

Question. Do you not think his life was in danger at that time?

Answer. I do, sir; I think he was insecure, and so stated to him.

Question. Did you ever hear of a case occurring about the 19th of August last, of some men riding up to a negro meeting, about ten or twelve miles from Greensborough, and ordering the negroes assembled to disperse, and afterward firing into the crowd? Did you ever hear of that case?

Answer. Yes, sir; what time did you say?

Question. About the 19th of August last.

Answer. Well, sir; I understood that some young men, or some men—I did not learn that they were in disguise—passed by the house in which the negroes were holding worship, and shot into the house. The negroes afterwards proceeded, or went to a gentleman in the neighborhood—Mr. Monette—and surrounded his house, I learned, and shot a number of times into it, attributing to Mr. Monette having been present and being one of these men. I believe those are about the facts I heard in regard to that.

Question. Did you ever hear of the case of Philip Green, a colored man, who had his house burned by a body of disguised men in Hale County?

Answer. No, sir. Now I know of another outrage there, sir, on Orlando, or Landy Charles. It seemed some negroes went to Landy Charles's house one night, and shot into it. I saw a number of bullet-holes. They injured his wife very much; shot her through the jaw. A few days afterwards Dr. Blackford requested that I, with a number of others—I suppose a dozen—should meet him over in Mr. Gregg's office. We went up there, and he told us of this outrage—we had heard of it before—and that he did not think it would stop there. He stated that Jim Green and this old man Landy Charles were friends of Dr. Jones here, and that they were trying to control the politics of Hale County; that the negroes would not submit to it, and we drew the inference from the statement made by Dr. Blackford that this was to defend him. He stated that there would be a meeting on that day, some ten miles from town, at the place of a negro named Ned McFadden—the plantation belongs to Mrs. Brooks; it is a few miles

from one of my plantations—and that he thought that violence would occur there that day, and he called us in for the purpose of interfering to prevent it. Well, sir; the impression upon our minds was that Dr. Blackford was likely the instigator of the attack upon Landy Charles, and we gave no encouragement to it at all. We told him we were willing to do anything to prevent outrages of the kind, but would take no active part further than that.

Question. You have spoken of a party of disguised men that passed through Greensborough toward Marion; did you understand that their purpose was to release a negro man, who was a prisoner, from the Marion jail, and lynch him?

Answer. As I stated just now, my memory in regard to their object is indistinct. My impression, though, is that it was to release some one, or to take him from jail; whether to release him or not, I do not remember.

Question. Are there any other cases of whipping or other outrages committed by bands of men in disguise within your recollection?

Answer. None, sir, that I remember.

Question. Did you ever hear of any attempts to influence their political action?

Answer. No, sir.

Question. By threats or other oppressive means?

Answer. None, sir. I have known, though—I have myself endeavored to influence their political actions and views, and I have known a number of instances.

Question. The object of this subscription, if I get your meaning correctly, was to induce Dr. Blackford to resign his office and leave that community?

Answer. It was to prevent violence, sir; to prevent any violence being done to Dr. Blackford. As I stated, we felt, and I agree with Dr. Blackford, that he was insecure. The object was, at his instance and request, to relieve him, or induce him to leave, and by that means prevent any violence being done to him.

Question. Would you have raised this money for the purpose of purchasing his property upon any other condition than that he should leave?

Answer. No, sir.

Question. Was there not a desire to get rid of him?

Answer. O, yes, sir.

Question. Did you pay a higher price for his property than it was worth?

Answer. It is a very full valuation. I would take 20 per cent. off of my stock very gladly to sell it. He made it a condition that his brother-in-law, Mr. Tucker, should be one of the appraisers, which he was.

Question. Do you not think he sold his property, resigned his office, and left the community under duress?

Answer. No, sir; he felt apprehensive; he did not feel safe; he did not feel secure, very evidently; but, as I stated to you, he declared there to the negroes, in that public speech, that he did not leave involuntarily.

Question. But I understand you to say he was very much intoxicated then?

Answer. Yes, sir; he was very much intoxicated then—very much.

Question. Is it your opinion that that speech indicated his true sentiments?

Answer. Well, sir, I think Dr. Blackford felt very much alarmed at the visitation of those disguised men.

Question. Do you believe he resigned his office freely?

Answer. I think he would have remained there had he felt secure, and held his office; I am satisfied of that, sir.

Question. Did not the community, in various ways, take measures to let the doctor know that his presence there was not any longer desirable?

Answer. Yes, sir; I think that he knew very well that there were very few who wished him to be there, because they looked upon him as a fire-brand; they did not know what his presence might lead to at any time.

Question. How many were parties to that subscription to raise the purchase-money for his property?

Answer. I do not know how many—fifteen or twenty.

Question. Did it embrace the leading men in your community?

Answer. Yes, sir; there were but few leading men who did not subscribe. Colonel Allen Jones was one; Mr. Stolenwork was another, and, I think, one of the Mr. Stickneys, a brother of Mr. Charles Stickney, and Mr. Latimer.

Question. Were the subscribers all democrats?

Answer. Not democrats, sir.

Question. Do they vote the democratic ticket?

Answer. Yes, sir. I am not a democrat.

Question. You vote the democratic ticket?

Answer. I vote a conservative ticket.

Question. Will you give the distinction between the conservative ticket and democratic ticket?

Answer. I vote for the party in opposition to the radicals.

Question. It is just a question of names, is it not?

Answer. Well, no, sir; it is a good deal more than names. It is called, indifferently, the democratic party and conservative party. We say it is conservative—old-line whigs and democrats acting together to put down the radicals.

Question. You co-operate with the democratic party of the North, do you not?

Answer. Yes, sir, and here.

By Mr. BUCKLEY:

Question. Was not that term "conservative" added for the purpose of gratifying old-line whigs a little?

Answer. I think so, sir; I think they ought to be gratified a little; they have a pretty heavy load to carry.

By the CHAIRMAN:

Question. Do you know that Judge Blackford ever told the negroes that they ought to revenge the death of Webb?

Answer. Yes, sir.

Question. How do you know it?

Answer. I heard him say it.

Question. How did he say they ought to revenge his death?

Answer. He did not tell them how; he told them they ought to revenge his death; that it was an outrageous murder committed there.

Question. Did he say this in a public speech?

Answer. No, sir; but down near the stable, sir, where there was a number of negroes.

Question. Did you ever hear him make a threat that he could have the town burned down?

Answer. No, sir; I never heard him make the threat, but I heard of his making it.

Question. Rumor is frequently very fallacious, is it not?

Answer. Very, very often.

Question. Did you ever hear him say five thousand negroes stood at his back, or were under his control?

Answer. I think I have, sir; yes, sir.

Question. Did I understand you to say that this squad of Federal soldiers went after Dr. Blackford up into the hills?

Answer. Yes, sir; it was so reported to me.

Question. Who sent them there?

Answer. I do not know who sent them there, but my impression was that they had been induced to go up there by persons who were not friendly to Dr. Blackford.

Question. Did they capture him?

Answer. No, sir.

Question. Did they go to capture him?

Answer. I do not know, sir; I simply heard this report.

Question. Is that the understanding?

Answer. That was the understanding, as expressed to me by Mr. Tucker.

Question. Did they go dressed in citizen's clothes, or in uniform?

Answer. I do not know.

Question. Have you not heard it said that they went in citizen's clothes to make the capture?

Answer. No, sir.

Question. You have heard it said that they were sent there by citizens of the town, have you?

Answer. No, sir.

Question. What led you to suppose they were sent by citizens?

Answer. They had been there but a few days, and I had supposed that they were very likely influenced by people inimical to Dr. Blackford; and—I will state now a little further in regard to that—immediately after the killing of Aleck Webb, a number of negroes—the whole country down below there was filled with negroes—looked for John Orick, who killed Webb. They got after a young man named Gewer, and it is quite a large family, and they run him through the bushes, and he was brought up through town. I did not see him, but I learned he was brought through town by the negroes and marched up to Dr. Blackford's office, bare-footed, and his clothes tremendously torn. They had pursued him through the woods quite a distance, and, in that condition, he was carried to Blackford's office. There are a number of these Gewers, quite a large family, and pretty respectable people. That, of course, led to a great deal of indignation, a great deal of hate, from that section down there, to Dr. Blackford, and my impression was, without any cause but a mere impression, that the probability was that they were influenced by some of these people, the friends of this young man Gewer; that they had been influenced to go up there by friends of young Gewer.

Question. Was it understood at the time that their purpose was to assassinate Blackford?

Answer. I know nothing except what Mr. Tucker told me.

Question. Was that his opinion?

Answer. That is what he said he had learned, and so soon as I learned it I took the steps I stated.

Question. After this party of soldiers went in pursuit of Dr. Blackford, he renounced his republican views, and renounced his office of probate judge?

Answer. Yes, sir; he used to be a democrat.

Question. Was it understood he made that declaration and renunciation in view of the danger he was in?

Answer. I thought that. I did not believe at that time that Dr. Blackford was a republican. I believed it was only for policy—for office; that was my impression at the time. In his private conversation with me he always denied it.

Question. My question was, whether it was the general belief that he came out with that renunciation in order to appease the public feeling against him?

Answer. Well, I do not know what the public belief was, sir.

Question. After he had renounced his heretical views, I understand you to say you and he made friends?

Answer. Yes, sir.

Question. You were willing to welcome him, now that he was a good democrat again, and made confession of his past errors?

Answer. No, sir; it was particularly in reference to the remark he had made to those negroes in that riot; not to his political views. A man might be a radical, and still we would treat him with every degree of respect and consideration. I have invited radicals to my house, and it has been but a very few nights since a republican was at my house.

Question. How long after this renunciation of his politics before he was a candidate for probate judge?

Answer. My recollection is that he was first appointed probate judge, and was afterwards elected. I do not know what length of time.

Question. I will ask you to state whether you know of any instance in which the laws have been enforced against any man concerned in these acts of violence, or attempted violence, to which you have referred?

Answer. No, sir. I do not remember of any instance where they have been punished.

Question. Do you know of any indictment having been found?

Answer. None, sir; I do not know the parties even, sir. I do not know any of the parties singled out.

Question. Has there been any earnest, determined effort, on the part of the community, to find out who these men are who have been concerned in these various outrages?

Answer. No, sir. We would not know where to start to find them out; to ferret them out.

Question. Suppose that a good citizen in the town of Greensborough, who was held in good esteem by the people, had been visited at night by a band of disguised men, such as visited the house of Mrs. Nutting, are you not of the opinion that the whole community would have been aroused, and a most earnest and determined effort made to discover the perpetrators of the outrage, and bring them to justice?

Answer. I have no doubt but efforts would have been made.

Question. Have you any doubt that effort would have been successful?

Answer. Yes, sir; I doubt it very much, if it was a private, secret organization, sir.

Question. If those men came in a body, mounted upon horseback, could they not easily have been tracked?

Answer. No, sir; not on public roads.

Question. Could it not have been ascertained whether they had stopped for refreshment at this place or that place?

Answer. Yes, sir.

Question. Could it not have been ascertained, by diligence, where they had obtained their arms and money; where they had obtained their horses; where they had obtained their disguises, or the material to make their disguises? Do you not think a determined effort on the part of the community would have led to their detection?

Answer. Well, sir, a great deal might have been done in that way, sir—a great deal; and perhaps it might have led to their detection.

Question. Is it possible that, in a populous community, like Hale County, a public outrage of that kind, if committed upon a prominent citizen in good repute, could have failed of the detection of the perpetrator?

Answer. I should think it was possible, sir; still I think the probabilities are they might have been traced, with proper vigilance.

Question. Would not the liability of detection be increased just in proportion to the number of men who were confederated together in the enterprise?

Answer. Yes, I should think it would, sir.

Question. Have you any doubt, if a prominent citizen like James J. Garrett had been

murdered that night by this band of disguised men, that they would have been discovered, and would have been brought to justice?

Answer. Well, sir, I think a very great effort would have been used to have brought them to justice, if he had been killed. I think this, though, that perhaps there would not have been so great an effort made to have ascertained the fact, if Mr. Garrett had only been visited, and not murdered. If he had been murdered, there would have been more effort made.

Question. But was not the offense essentially the same, if it was apparent that they intended murder?

Answer. But we did not know positively that they intended murder; it might have been either bodily harm or indignity.

Question. If that community be a law-loving and law-abiding community, why should they not set their faces as determinedly against the violators of law in the case of Dr. Blackford as any other citizen in higher esteem?

Answer. I think a majority of the citizens did feel a willingness to do anything they could.

Question. But what did they do?

Answer. They did nothing that I know of specially, except to condemn it.

Question. Did they sit upon their store boxes and whittle and discuss the matter?

Answer. Yes, sir.

Question. That was the extent of the effort?

Answer. Yes, sir; that was the extent of the effort we made; and I do not know of anybody else who did anything.

Question. Do you sustain the general statement that you made upon your examination by General Blair, that you had heard of no instance where the laws were not executed, if, in point of fact, the laws were not executed against a single person of those men banded together and disguised for the purpose of violating and overriding the law?

Answer. Well, sir, I never knew; they were not apprehended; they were not brought to justice, sir. So far as anybody was brought forward, they were tried and punished, so far as I know.

Question. The laws never are enforced unless they are called into force by the action of one or more citizens, are they?

Answer. No, sir; but it is the action of the officers of the county.

Question. But is it not the duty of the citizens to co-operate with the officers?

Answer. I think they would, sir. I think that a majority of the citizens of Greensborough would have co-operated with the officers.

Question. Do you think, if they could have found them out, they would have sent these men concerned in that outrage upon Mrs. Nutting to the penitentiary for an assault with intent to commit murder?

Answer. I think so, if they were tried, sir. It is very hard to send a man to the penitentiary unless he commits the offense. If they had killed, then I think they would have been sent without a doubt.

Question. Has Dr. Blackford, to your knowledge, ever violated the law in Hale County?

Answer. Well, sir, I do not know of any violation of the law, sir. Drunkenness and profanity are violations of law, I believe.

Question. Is he singular in that community in drinking liquor and swearing?

Answer. He was; he became so.

Question. I mean is his case exceptional, or are these vices common?

Answer. I do not think it is common. There are a few men who are addicted to that; but of late he got to drinking a great deal.

Question. Is it very common in Hale County for men to drink stimulants?

Answer. Yes, sir.

Question. That is derogatory to a man's standing, is it?

Answer. If he drinks them to drunkenness, it is.

Question. Do you mean to say Dr. Blackford was ever an habitual drunkard?

Answer. He was a man that drank a great deal. I saw very little of Dr. Blackford, except upon special occasions; I would see him pass, going down to Mrs. Nutting's. I met him frequently in the morning.

Question. How populous a town is Greensborough?

Answer. Fifteen hundred to two thousand inhabitants, I suppose, sir.

Question. Did not his administration as judge of the probate court give pretty general satisfaction?

Answer. Well, I knew nothing to the contrary, sir.

Question. Was he regarded as an honest man in his judicial capacity?

Answer. I do not think, sir, that there was very general confidence in his integrity.

Question. Did you ever hear corruption imputed to him as a judge?

Answer. None, sir.

Question. Then he stood fair in that respect with the community?

Answer. So far as I know. There has been a little matter since, but I have no doubt it was an omission with him. I had a bill presented since he left for a fee which I had paid, but I think he neglected to enter it. I do not attribute it to his dishonesty.

Question. Was there not a committee which examined the books about the time he surrendered the office, and made a report of the condition of the books in the office?

Answer. Yes, sir; I think the grand jury examined his books.

Question. Was the report favorable?

Answer. I never heard anything to the contrary.

Question. And he served as a judge two years and a half—July, 1868, until January, 1871?

Answer. It was a considerable time—two or three years; I do not remember the time I do not know when he went in, and could not tell the time exactly when he went out.

Question. Do you not consider it somewhat to his credit to have administered that important office for two and a half years, and have his course generally approved as an impartial, fair man?

Answer. I think that is a little stronger than the facts; I do not think he was looked upon as impartial, and always fair. I heard of some instances in which it was thought he had not dealt fairly, but I had nothing to do with them.

Question. Did you ever know of a judge where such imputations were not made?

Answer. Yes, sir, I have known them. I think of his successor in office I have heard nothing of the kind, and his predecessor.

Question. You have spoken of a suspicion that existed against Dr. Blackford of having fired two buildings?

Answer. No, sir, not having fired.

Question. Of having instigated the firing of two buildings. Will you please state to the committee the grounds of that suspicion. What knowledge have you of that fact?

Answer. I have no knowledge of the fact in the world. I heard suspicions—intimations, you know—that he had instigated the setting fire.

Question. Was that anything more than mere suspicion?

Answer. Nothing more than mere suspicion. There was evidently an attempt to set one of the houses on fire. The first house was a stable, and it was very natural to suppose that was an accident; but then in the case of the shop of Mr. Johnson, which was a wheelwright-shop, the splinters had been cut up and deposited, and shavings collected, and they had been set on fire, and it was discovered and put out.

Question. There were fourteen hundred and ninety-nine other persons in Greensborough who might have done that?

Answer. O, yes, sir.

Question. Have you any knowledge that he ever did meddle between hands on plantations and their employers?

Answer. I have given you an instance of what I deem an interference on my plantation.

Question. Does your knowledge terminate with instance?

Answer. No, sir; I have heard of a great many persons who would say they were satisfied Dr. Blackford's influence was detrimental.

Question. Whenever a dog gets a bad name it is very common for everybody to have something to say against him?

Answer. Yes, sir, and a good many are apt to give him a kick; still there are some, I am glad to say, who are disposed to hold him up as long as they can.

By Mr. BUCKLEY:

Question. Is not the judge of probate, according to the law of your State, made the judge of contracts between freedmen and their employers?

Answer. Yes, sir, when it is brought before him.

Question. It was for that reason, I suppose, that the freedmen applied to Dr. Blackford?

Answer. No, sir; the old negro said that Dr. Blackford told him the law required that it should be signed before him, or at his office—that the law required it, and if he did not do it he would be damned if he did not enforce the law against him, and punish him.

Question. So far as the law is concerned the negro was partially right in that, was he not?

Answer. No, sir; the law does not require that a contract shall be signed before the judge of probate, or that the judge shall have anything to do with the contract with the negro except to enforce it as judge of probate—enforce a compliance with the contract, as I understand it.

By the CHAIRMAN:

Question. What are your feelings toward Dr. Blackford at this time; are they of a kindly character; do you meet him as a friend, and take him by the hand?

Answer. I treat him politely; not as a friend. I have not recognized him as a friend for a long time; but I treated him politely, and felt a desire that he would do well, and I feel so yet, but I have not felt kindly toward Dr. Blackford, or spoken to him, since he came back, after selling us the house, and making us the promise which he did; I have not spoken to him since.

Question. Is he a man of general intelligence?

Answer. Yes, sir; I think he is a man of very fair intelligence. I consider him a good physician.

Question. What do you know of the existence of a Ku-Klux organization in Hale County?

Answer. I know nothing of it, sir.

Question. Have you ever heard of such organization in Hale County?

Answer. No, sir.

Question. Is it your belief that these bands of disguised men, of which you have spoken, belong, in whole or in part, to Hale County?

Answer. Well, sir, I do not know. My impression is that they do not belong to Hale County. There may have been some in Hale County who did belong to them. I think it was very likely.

Question. What is your opinion as to the existence of that order in times past, whether known by that name or "the White Brotherhood," or any other name, in your county?

Answer. I have no reason to believe that there was any organization in my county.

Question. Do you believe it existed in any part of the State of Alabama?

Answer. Yes, sir; I cannot doubt it, because I heard of them, and I saw these disguised men pass through town. I cannot doubt it.

Question. What were understood to be the objects of that organization?

Answer. Well, sir, I have supposed it was to punish men who could not be reached otherwise by law; who were doing, as they conceived, wrongs to the country, and they became the judges, and for that reason I condemn it, sir.

Question. Is it your understanding that their violence was directed generally toward men of republican sentiments—members of the republican party?

Answer. Well, yes, sir; I think so, because lately, so far as I have known, they have been the only offenders.

Question. The only offenders against the law?

Answer. No, sir; not the only offenders against the law, but the only offenders that would likely lead to an organization to punish them.

Question. Were their offenses of such a character that they could not be reached by the courts, and punished by the courts?

Answer. Well, sir, I do not know. I do not know of any offenses except what I have stated to you, that occurred to me.

Question. Is it not your understanding that those Ku-Klux visits were, as a general rule, directed against men who held obnoxious political sentiments?

Answer. Yes, sir; I should think so.

By Mr. BUCKLEY:

Question. Did I understand you to say that the purchase of which you have spoken pertained exclusively to the purchase of Dr. Blackford's property—his real estate here?

Answer. Yes, sir.

Question. Do you understand that anything else was included in that agreement but his own propoerty?

Answer. No, sir; there was a house and lot and office that were included in the purchase.

Question. The building the office was in?

Answer. Yes, sir; it was almost attached to it.

Question. You understand pretty thoroughly the terms of that agreement?

Answer. Yes, sir; I was present at the time, and know all about it, or did know all about it.

Question. Then you think there was no agreement between Dr. Blackford and his successor in the office?

Answer. None, sir; I do not know of any.

Question. You think, then, that there was no sale of his office—the office of probate judge?

Answer. No, sir; there was no sale of his office; it was a proposition which he made. He proposed to us that he would resign his office if we would buy his property, and leave the State, and not return to Greensborough; that was his proposition made to us when he sent for us. Very well; we acceded to that, and told him we would endeavor to do it, at the same time telling him we would give him what protection we could. He asked us if we thought we could give him protection, and we told him no,

we did not conceive how we could give him protection; that disguised men might come as they had come.

Question. It has been stated by a witness before us that there was an agreement, some understanding, between Dr. Blackford and his successor in office; do you think there was such an agreement?

Answer. I have never suspected any such thing.

Question. You had no reason to know who the successor was?

Answer. No, sir; there were two aspirants or candidates. I reckon I would do one party injustice to say aspirant of one party—Mr. Garrett. Many of us were anxious he should be appointed, and sent a petition to the governor. The old judge of probate applied again, and a very large petition was sent up for him—Judge Hutchinson—who was turned out, and Judge Blackford put in in his stead.

Question. He was not appointed?

Answer. No, sir; and Mr. Garrett was not, but Mr. Hodson was appointed. It was owing to some misunderstanding. I think it was the extreme ardor of Hutchinson's friends and Garrett's friends that caused the appointment of Hodson.

Question. Governor Lindsay says in his testimony: "I accepted his resignation with the belief that he had entered into an agreement with his successor, a man of very good standing—a democrat, but of moderate views." You know of no such agreement or understanding?

Answer. No, sir; none.

By Mr. BLAIR:

Question. You knew that he had agreed to resign his office?

Answer. Yes, sir; that was the condition of the purchase.

Question. The whole consideration of the purchase, almost, was to get rid of him?

Answer. Yes, sir; to get rid of his bad influence and the liability of trouble; that was what we all feared.

Question. To that extent it was the purchase of his resignation?

Answer. Of course it was the purchase of his resignation, because that was a part of the agreement.

Question. Was there any inducement which would have made you purchase that property, other than that his resignation was to accompany it?

Answer. No, sir, none; and that he was to leave the country. I would not otherwise have subscribed a dollar, nor asked one man to give a cent.

Question. You felt that he was an incubus on the community?

Answer. Yes, sir.

Question. A dangerous man?

Answer. Yes, sir. I felt that if any bodily injury was done Dr. Blackford our town might be burned down at any time.

By Mr. BUCKLEY:

Question. And you felt he was in danger of bodily harm?

Answer. Yes, sir; and so told him. I agreed fully with him.

DEMOPOLIS, ALABAMA, *October* 28, 1871.

A. A. J. RIDDLE sworn and examined.

The CHAIRMAN. This witness having been called by the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Where do you reside, doctor, and what is your occupation?

Answer. At McKinley, six miles southeast of Livingston. I am a planter and physician.

Question. State, if you please, how long you have lived in this county.

Answer. I have lived here sixteen years.

Question. Were you present on a recent occasion at Linden when a speech was made by Mr. Jones, of this place?

Answer. Yes, sir.

Question. State, if you please, what occurred at that meeting.

Answer. Well, sir, I got to Linden on the 7th of the month; I think that was the time the speech was made.

Question. September or October?

Answer. The 7th of this month, October; I got there early in the morning. Pretty soon after I arrived, I understood that Mr. Jones was there to speak. I did not see him when he came; not until about 10 o'clock, when I saw Mr. Jones walking from

the hotel to the court-house, and from the court-house across the street, and up the street to the hotel again. I spoke to him as he passed up the street, and had some little talk with him, and then very soon he went to the court-house and commenced speaking; I was across the street, I suppose about seventy yards, perhaps, from where he was speaking in the balcony of the court-house; I was on the opposite side of the street; I did not go where he was speaking; I suppose he spoke about twenty minutes before he was interrupted, or anything said. I cannot repeat what he said in his speech.

Question. Did you hear what he said?

Answer. Yes, sir; but I do not remember it. The first thing that caused an interruption to Mr. Jones was a misunderstanding. I understood him to say that the democratic candidates of this county had written him, or desired him to procure the votes of the colored people of the county to insure their election. Mr. McNeill, one of the candidates, was present, and interrupted him to know if that was the fact, if he understood him in that way. He said not, and told him that in the primary election of this county that all the democratic candidates desired the colored people's votes; that was explained satisfactorily, and he proceeded in his speech; and was interrupted, from that time on, repeatedly.

Question. He was interrupted?

Answer. Yes, sir; Mr. Jones was interrupted; he spoke about, as near as I can recollect, half or three-quarters of an hour, perhaps three-quarters of an hour; and he then remarked, "I have been a public speaker for ten or fifteen years, and I know when there is danger, and from the looks of the people here I see there is danger, and I am going to quit speaking;" at that time there were four colored men went back of the counter to the back part of the court-house—he was speaking in the balcony—I do not know for what purpose they went there; in a few minutes they came out; though before this time I requested Mr Jones to speak on, and said that he should not be molested, and desired the people to be quiet; but he thought proper not to do so; when these colored people came out of the back room—I do not know whether he sent them or not—when they came out in front where he was, Mr. Jones remarked in a tolerably low tone of voice, "Well, we'll fight it out." When he said that, the white people that were standing in front of him all dispersed and ran to different parts of the town, and at that time he started and took off his breast-pin and his watch; and, I think, he gave Mr. Giles, the deputy sheriff, his pocket-book; just at that time his umbrella was near, and he pulled out of his umbrella a pistol—I suppose about that long, [illustrating,] two feet long or twenty inches long—and came down the stairs; and about the time he was going out of the doorway, he remarked, "if any man had anything against him, he was now prepared to fight;" and that was about all that was said about that time. The white people were gathering around him. Mr. McNeill came up very near him, and Mr. Jones handed out his pistol—he had only one pistol in his hand—handed out his pistol, and told Mr. McNeill, "On a previous occasion you saved my life, and I want you to do it again;" and he gave him his pistol. Just before that time a pistol was fired off by some person, whether accidentally or otherwise I do not know, or by whom. I then had got out of the crowd and gone away from them. I had tried to quiet them; finding I could not do so, I had left them and gone off, and I did not see where Mr. Jones was; I supposed he had gone off, until Judge Young sent a messenger to me to go to the chancery court to him, in the court-house. I went there, and knocked at the door; when I got in the room, I found Mr. Jones there, very much frightened; he insisted on my trying to save his life; I think his remark was, "Can't you leading citizens stop the people from murdering me?" I think that was the remark. I told him I would do all that I could. We remained in the chancellor's room for some time; and I proposed several means of his escape; among other, I proposed that I would go out and get a horse for him, and put it in a place where he could get on the horse, and make his escape; he thought not—he thought proper not to do so. Jones then proposed to Judge Young that if he (Jones) would withdraw his political opinions, give up the canvass for sheriff, and go home and become a peaceable and quiet citizen, did he (Young) think that if he went out and made that statement, the people would be satisfied? Judge Young remarked, he did not know that they would. I proposed that he should not do that; that the people were too much enraged; that he had better make the writing, and see if the people outside would indorse it. That was done, and they did indorse it; and Mr. Jones came out of the room, and voluntarily made a statement that he was done with politics, and would have no more to do with it; that he was going home to attend to his business, and vote for Captain Harrison for sheriff; and desired that several citizens should guard him across Chicasabogue Creek. He selected the citizens himself; they went across the creek and returned in an hour or two. I think those are about the facts.

Question. Did you hear Mr. Jones, when he came down, say anything to the negroes?

Answer. I did not.

Question. Did you hear him say that he did not wish to engage in the fight?

Answer. No, sir; he did not say that; he made no statements to the negroes.

Question. You understood that when he came down he pulled off his valuables, and handed them over to the deputy sheriff, and declared that he was going down for a fight?

Answer. When the negroes came out of the back room of the court-house, I do not know what the negroes said to him, but Mr. Jones, in an audible voice, said, "Well, then, we will fight it out;" that was the first word; and then he pulled off his breast-pin, and took out his pocket-book, and, I think, his watch, and gave them to the deputy sheriff: when he came down from the court-house to the bottom of the steps, his first remark, when he got down, was, "Now, if anybody has anything against me, I am ready to fight;" and at that time there was a wagon standing near the palings of the court-house; I think about twenty negroes were around there with guns; some think more; they parted, one squad one side and one the other side, above and below him.

Question. Ranging themselves along with him?

Answer. Yes, sir; one above him and the other below him; about this way, [illustrating.]

Question. Were they all armed?

Answer. Yes, sir, all were; a great many of those that were not armed ran down the hill, and ran off; but those that had guns occupied their position after he had left.

Question. By his side?

Answer. Yes, sir.

Question. After Jones had left?

Answer. Yes, sir; I do not think the black people knew where he was.

Question. This is after he had retired into his room?

Answer. Yes, sir, into the court-room.

Question. Was any violence done to Jones; did anybody strike him?

Answer. Well, sir, I think several—I could not tell; there was a good deal of excitement; I was going up there and endeavoring to suppress the excitement; I saw two were a great many excited; I saw several rub their pistols about his head; whether they struck him or not, I could not say; a good many black people were between, and their guns were pointing toward me; and I went off to the opposite side of the street; there were white people with guns too—white people and black people.

Question. Were the white people armed with guns up to the time Jones announced that he was ready?

Answer. No, sir; I did not see a gun; they might have had pistols; but I did not see a gun.

Question. When he came down and offered to fight, did many of them go off and get their arms?

Answer. Yes, sir, as many as could get their arms. When he came down the steps there was but one man, as I recollect; some say there was more; I think not. I think I was a quiet observer; there was one man had interrupted him a good deal during the day—a gentleman from Shiloh, named Morgan. He stood at the gate, and as Jones came near the gate, Jones had his pistol at this position, about half elevated; and a negro man named Reuben Bryant—I was about ten steps off; I had no pistol or gun, and was trying to suppress them—Reuben Bryant cocked his gun, and leveled it at Jones, in this way; and he said, "The first gun that is fired, I'll shoot sixteen buck-shot into the man that does it;" but pointing the gun at Jones. That continued in that state until Jones gave up his arms to Mr. McNeill, and Mr. McNeill carried him into the court-room, and there he remained until he got him off.

Question. Did he himself propose this method of pacifying the people?

Answer. Well, sir, Mr. Jones was very much frightened, very much indeed; I do not think I ever saw a man more frightened; the people were hallooing and going on terribly outside—black and white people—and drinking, and saying that they would break in the windows somewhere and kill him; I became alarmed for my own safety while in there, but I had gone in there and promised him security as far as I was able to, and I intended to remain there, and see that he should not be molested as far as I could prevent it. He suggested various means of escape, and I suggested various means myself; I was as anxious to get out of there as he was; I wanted to get out myself. But none would do; the most plausible one that I suggested was, a negro boy came to the window—they were about like these windows, and Jones was in one corner, secreted, and I was sitting by his side; Judge Young was sitting out in front of him; his boy—Jones himself told me it was his boy that came with him that drove him, for I did not know him—says, "Doctor, I have got a horse down under the hill for you, and you can make your escape." I told Jones that was a good plan, I thought; my impression was that Mr. Drake had left; some said Mr. Drake had left; I did not see Mr. Drake there during the day, for I was on the opposite side of the street, and some said he was sitting behind him. My impression was that Mr. Drake had gone off, and the negroes had gone for reinforcements, and I thought there would be a greater fuss; and I thought the better plan would be to get Mr. Jones away before there was any more excitement, and I told him he could go through the clerk's office and make his

escape; he did not know where. I told him, "Go down this ravine until you get to a certain road"—he knew the neighborhood; he was born near there—"and you can go to my house, and you shall not be molested when you get there." His father lived a neighbor to me for several years, and he lived there a near neighbor to me. I said, "If you go to my house I will protect you, and if that will not suit you, I will get a horse and take you home to your family myself." He said they would overtake him; he could not undertake it; it was too much risk; and proposed for me to take him to Mr. Taylor's, the clerk's house. I told him he could not get there, because that was on the opposite side of the street, and the people would see him. Then he suggested this mode of escape himself; as well as I remember, he said if he would relinquish his canvass and candidacy for sheriff, and have nothing more to do with politics, and go out and make that statement, would it quiet them? I told him I thought not; that it had better not be done; that he had better get the people outside quiet first; that was my suggestion.

Question. How many white persons were out there, apparently, engaged in making this noise?

Answer. I think about thirty, as well as I can recollect—twenty-five or thirty.

Question. Were they strangers in the county?

Answer. They were not.

Question. Were they from Wilcox and the lower part of the county?

Answer. There were not exceeding ten men from outside of Linden, I do not think, there; I saw one gentleman who lived in Choctaw County; I think he told me that morning that he lived there; he formerly lived in the lower part of Marengo, and had been up on a visit to his wife's relations. He was the only man who did not live in the county, that was there, that I saw.

Question. Mr. Jones reported that there were a great many men with strange faces, from other counties—Wilcox and others; he thought there was premeditation.

Answer. No, sir; my honest opinion is, and I would not have had Mr. Jones hurt there for anything, I do not think anything would have been done if Mr. Jones had gone on speaking. It is true they interrupted him a great deal, and said many things that I do not think were proper, but at the same time Mr. Jones could have got down off of the stand, and got in his buggy, and gone home unmolested—no doubt of it.

Question. Nothing but his action, in inviting a fight, brought on the riot?

Answer. Nothing else in the world. Mr. Jones himself proposed it first, and when he said, "We will fight it out," then the white people ran and got their arms. Up to that time they were interrupting him, calling him bad names, &c.—a good many things that I tried to prevent. I went myself, and sent for Mr. McNeill, and I said to him myself, "In the name of the people of Linden, go on and speak what you please, and as long as you please; you shall not be molested." He said, "I know better than that; I know when there is danger and I will be molested."

Question. Did they use any worse language than he did?

Answer. Well, I have seen speakers frequently interrupted before. They would ask him questions; the interruption was, "When are you going to Shiloh?" and Jones remarked, "Shiloh is a shy place, and a low place, and I am not going there." Then another gentleman would speak out, and say, "I will recollect that when I meet you at Shiloh;" and they interrupted him in that way.

Question. Do you recollect to have heard anything on that day in regard to his having been fired at in the swamp?

Answer. Yes, sir; as I told you in the commencement, when Mr. Jones went across to the court-house, and came across to the opposite side of the street, and had a conversation with me, going up to the hotel. He then met Mr. John G. Keller and had a talk with him. Keller came down and told me, "Doctor, Bill Jones says he was shot at in the swamp, as he was coming here; and," says he, "I don't believe it is so; I think he has told a story." That is about what Keller said. When I was in the room with Jones, he told me he was shot at in the swamp.

Question. That was after the fuss?

Answer. Yes, sir; when I was in the court-house room with him. He told me then that he was shot at, but he did not say by whom or what. I think Mr. Jones aggravated the thing himself; I am satisfied of it. I think, if Mr. Jones had come down stairs when he remarked, "I see there is danger now; I have been a public speaker for fifteen years"—if Mr. Jones had then taken up his papers and things and gone to his buggy, that the party would not have molested him; they would not have done it; there were enough quiet citizens there to have prevented it, if they had chosen to. But when he invited a fight, it exasperated the people, and it took some time to get them quiet. I think that is about it.

Question. Are your people in that part of the county, and in this county, generally quiet and law-abiding?

Answer. The white people?

Question. Yes, sir.

Answer. Yes, sir, as far as I know. I have heard of some misdemeanors, but, as

far as I know, they are. I have not been about but very little this year; I have been confined to my room since the 27th of March.

By the CHAIRMAN:

Question. Before going to Linden that day, were you aware that Dr. Jones was going to make an address?

Answer. I had heard it from the newspapers; I understood he was to be there; I went there with that purpose.

Question. Do you think it was generally understood in the community?

Answer. Yes, sir; I think it was generally understood.

Question. Was there any feeling against Dr. Jones up to that time in the community?

Answer. Well, sir, they did not like him; I do not know that they dislike him, but they do not like the course he is pursuing; the white people generally are opposed to the course he is pursuing.

Question. Was he odious on account of his political sentiments?

Answer. I do not know that that was it, so much as the language in which he speaks, and the distracting of the laborer from his business; and going on plantations and inculcating bad doctrines with the negroes, telling them they should not hire except for certain wages. That is the impression given out. I do not know that it is so; that is what he is accused of.

Question. Was he not odious, because of the fact that he was a native Alabamian, and was a radical, and advocating radical sentiments?

Answer. I think it likely, sir. I think it likely.

Question. Were the negroes disarmed, that day, by the whites?

Answer. They were not. They were armed up to the time I went into the room where Mr. Jones was, and I remained until I saw him safe. I do not know what was done outside afterward. I understood they were not disarmed, but many of them left and went home.

Question. Was not violence offered to the negroes?

Answer. None that I know of. It may have been while I was in the room. I did not see it.

Question. You say there was a great uproar among the whites and negroes while you were in the room?

Answer. Yes, sir.

Question. What was the nature of that uproar?

Answer. It appeared to be a hallooing and whooping. I believe the whites all thought Mr. Jones was gone. I do not think they did it to alarm him, for I think they thought he was gone.

Question. Why should they have remained there if they had supposed he had gone?

Answer. Well, just drinking and going on; I do not know. I judge from the fact that many black people on the plantation I have employed told me they were staying there waiting for me; that they understood I was in a room somewhere, and they wanted to see me safe.

Question. If the people thought Jones had gone, why should you have been alarmed while you were in the room with him?

Answer. I did not know then what they thought outside. After I got out to the room and talked with a great many, they told me that they thought Jones had made his escape when I was in the room.

Question. So you are now of opinion that you were not in danger while you were in the room?

Answer. I do not think but very few knew it.

Question. Could he have made his escape from the court-house without people seeing him? Was not the court house surrounded?

Answer. No, sir; he was in the north room of the lower story of the court-house—one of the north rooms; the south room is the clerk's room; just below that south room is the probate court-room; he could have gone below that; and just below is a ravine, and I thought he could have made his escape through that. He did not think so himself; I proposed that.

Question. There would have been some risk of observation?

Answer. Yes, sir, there would; but I thought the risk was less than in the room there.

Question. What was the character and standing of the white people of that crowd who ran to get their arms after he had challenged Morgan for a fight?

Answer. Well, sir, I think they were quiet, law-abiding people, as far as I know. There were some few drinking people among them.

Question. But, generally speaking, they were of a quiet, law-abiding character?

Answer. Yes, sir; but they did not listen to reason at that time. I tried to prevent them from interrupting him during his speech, and wanted him to speak what he pleased, and as long as he pleased, but many of them would not do so.

Question. When he commenced speaking, I understood you to say you were standing on the opposite side of the street, or sitting on the opposite side of the street. Is it

not possible that there may have been interruptions, words addressed to him from this one and that one, in a lower tone of voice, that you would not have heard at that distance?

Answer. There could not have been, sir, I think. Well, the crowd was about the middle of the street that was interrupting him. I do not think it was more than twenty feet from me to where the crowd was.

Question. You did not hear him advise the colored men to any course of violence on that day?

Answer. No, sir; I did not. He said, "We will fight it out;" I did not know what he meant by that; that was the first word I heard said—"We will fight it out."

Question. His proposition was to fight the man who insulted him, was it not?

Answer. I had no idea of anything of the kind when he made the remark.

Question. Did he not single out some particular one?

Answer. After he came down he did; but up in the court-house, when he took off his breast-pin and watch and pocket-book to give them to Giles for his wife, he said something to Giles, but it was in a low tone of voice; and, as he started down, his umbrella was sitting on a table; he took out of it a pistol, about twenty inches or twenty-four inches long.

Question Why should there have been any necessity for twenty or thirty white men running for their arms to fight a man single-handed?

Answer. Before Mr. Jones got down the steps more than twenty negroes had their guns raised in this position, [illustrating,] and they followed him down; some were with him. When Mr Jones got down to the bottom of the steps, he said, "If anybody has got anything against me, I am ready to fight."

Question. You say he was interrupted by several persons, who called him bad names or epithets?

Answer. I do not know that I could say bad names; they were interrupting him frequently about Shiloh. He had had previously a difficulty at Shiloh, and the principal interruption I heard was about his going to Shiloh and making a speech; and they, I thought, interrupted and spoke as much or more about Mr. Drake as him.

Question. Mr. Drake had not spoken at all?

Answer. No, sir; and I was not aware that Mr. Drake was there, but I would hear them say, "Who is that you've got sitting behind you?" and another voice, from the same persons, would say, "It is the man who broke into the tavern—Drake; the man who tried to steal money from General Keller"—about in those words. The interruption was more about Mr. Drake, I thought, than Mr. Jones.

Question. What epithets did the crowd apply to either of them?

Answer. Well, sir, they would curse; I do not know of any other.

Question. Did you hear Jones called a damned liar?

Answer. I think I did.

Question. More than once?

Answer. I think he was called that.

Question. More than once?

Answer. I do not know that he was.

Question. Did you hear anything said about carpet-baggers and scalawags?

Answer. My memory is not sufficiently refreshed to answer. That might have been: I do not know. Some would say, "Who is sitting behind you?" Some would say, "Drake," "Drake," "Drake"—in that way and while Jones was speaking; and I thought the allusion was more to Drake than to Mr. Jones.

Question. Was there any imitation of the quack of the drake?

Answer. No, sir.

Question. Had Drake, up to this time, said anything?

Answer. He had not said a word that I know of; I do not think he had.

Question. Had he been advertised to make a speech?

Answer. I think not.

Question. Did he accompany Jones there?

Answer. I think he was there a day or two beforehand; he went up in the court-house with him.

Question. Who was Mr. Drake?

Answer. He has been, up to very recently, our circuit clerk of this county. I do not know where he originally came from.

Question. Did he belong to the republican party?

Answer. I think he does, sir.

Question. Was he odious on that account?

Answer. I do not know that he was on account of his being a republican. The impression, as far as I am able to understand about that, is this; now I can illustrate it in this way: I am summoned here before this committee; my family is absent from home: they are afraid to stay at home, on account of the supposed excitement; there are a great many black people about Shiloh and McKinley, and they think generally

that those notions are inoculated in those black men's minds by these people, Jones and Drake.

Question. What notions?

Answer. These incendiary notions.

Question. Do you mean, notions that they should burn people's houses?

Answer. I mean this: a few Saturdays ago—I saw the letters myself—there were several letters written below there by Mr. Jones, for the black people to meet him at McKinley, and he would speak; they remained there.

Question. Do you call those incendiary documents?

Answer. With the black people.

Question. What! a mere invitation to attend and hear him speak?

Answer. No; I do not think that is, but the black people are not capable of governing themselves properly.

Question. Would not that be a proper way of letting the leading influential negroes know that he was going to speak at such a place to them?

Answer. Yes, sir; that would be a proper way of doing it.

Question. The republican candidates of this county draw their principal support from negro voters?

Answer. Yes, sir.

Question. Is it not eminently proper, therefore, that they should attempt to reach the ears of the negro voters, in their addresses?

Answer. Yes, sir; if they did it in a proper way.

Question. What improper way did Jones or Drake employ?

Answer. I cannot tell; that is what I do not know. The negroes themselves say that they are instructed not to employ with the employers, not to hire themselves, only for a certain amount, and to quit their business and go to public speaking, &c.; I do not know how it is; that is the general opinion.

Question. Would you regard it as wrong that colored men, who are qualified to vote, should attend political meetings, for the purpose of hearing political questions discussed?

Answer. I would not; I think it is right and proper.

Question. Did you ever hear Dr. Jones or Mr. Drake utter any incendiary or inflammatory speeches?

Answer. I do not think I ever did, myself. I have attended but very few.

Question. Is Mr. Drake odious because he is a republican office-holder?

Answer. Well, sir, I do not know that he is.

Question. Is there not a strong feeling against all republican office-holders in the country?

Answer. I think it likely there is.

Question. Is there not a disposition, also, to hunt up charges against them, and to magnify those charges?

Answer. I think not; I do not think there is to magnify them.

Question. Is not their conduct watched a good deal more curiously and minutely than other people's conduct?

Answer. Well, sir, that may be; I have very little to do with politics myself.

Question. Do you know of a republican office-holder against whom some charge is not made, and iterated and reiterated in the community?

Answer. I think not; I am not acquainted, except with those in this county.

Question. They are all in bad favor, are they not?

Answer. Yes, sir; there is but one in the county now, I believe.

Question. Who is that; Mr. Drake?

Answer. Yes, sir.

Question. There have been others?

Answer. Yes, sir.

Question. Has not the pressure against them been such that they have left the country?

Answer. I do not know that they did on that account; I understood they said they were leaving on that account.

Question. You heard charges made against all of them?

Answer. Yes, sir; they are not liked here.

Question. That is frank.

Answer. That is honest; we have got people to fill our offices as able as they are; we are the tax-payers, and think we ought to have the privileges, if anybody, if we are the tax-payers; that is my opinion; I do not know what is the opinion of others; but still I have got nothing to do with that; they have been here; I have got nothing to say against them; and if they are to occupy the offices I can live here with them.

Question. The white people would be a good deal more content if the offices were all filled by men of the democratic persuasion?

Answer. I do not know about the democratic persuasion; there are whigs and demo-

crats here; I mean our own southern people; if people would let us alone, come and stay here, and attend to their own business, I think we would get along pretty well.

Question. You spoke of old-line whigs; do they constitute a distinct organization?

Answer. No, sir.

Question. They affiliate with the democrats?

Answer. Yes, sir.

Question. The coalition is called the conservative party?

Answer. Yes, sir.

Question. Are the laws generally enforced rigidly and impartially in Hale County?

Answer. I do not know.

Question. Are they in Marengo County?

Answer. Yes, sir; I think so, as far as I know.

Question. Do you know, or have you heard, of any outrages upon the colored people, in Marengo County?

Answer. I have heard of them.

Question. Will you please specify to the committee such outrages as now occur to you that you have heard of?

Answer. I have heard that a man was killed at Jefferson—a black man, I do not know by whom—by the name of Robin Westbrook. I heard that just below me, in the edge of Clark and Marengo, a white man was killed by a negro man a short time ago. A negro man confessed it, and was, I think, shot.

Question. I am speaking of outrages upon the colored people.

Answer. This man, Westbrook, that is near me, was one. I may have heard of others.

Question. Have you heard of negroes being taken out at night and whipped?

Answer. I think, likely I have heard of them, but I cannot specify any particular ones now.

Question. Have you heard of any colored schools being broken up or raided upon?

Answer. I have not. I have two on my plantation that have been running there successfully. I have employed a teacher, and been running them there three years unmolested.

Question. Have you heard of any school-teachers of colored schools being molested?

Answer. I heard of a white man, between Springhill and Dayton, who was taken out and whipped, last year, or perhaps it was this year.

Question. Who was he?

Answer. His name was—it was a French name. I would know it if I heard it. It was at Major Glover's plantation.

Question. Do you refer to Mr. Neibling's case?

Answer. Yes, sir; that is the man. I have heard of that man. I do not know whether it is true or not.

Question. Did you hear that his only offense was that he was a teacher of a colored school?

Answer. I never heard what the offense was. I have heard various reports about it, but as to knowing what it was, I do not know.

Question. What was the report as to the cause?

Answer. One was, that he was living with a negro woman; sleeping with a negro man's wife there, and that the negro man procured assistance to have him whipped, and run off from the neighborhood, so that he could have his wife. Another was, that he was a negro-school teacher, and was doing badly for the neighborhood; and maybe there were other reports. I do not know.

Question. He was a democrat, was he not?

Answer. He said, himself, in a letter, that he was.

Question. You read the communication published in the paper?

Answer. Yes, sir; I did.

Question. Was he said, in that communication, to be a young man, about nineteen years of age?

Answer. Yes, sir, about that. He was a young man. I do not know that the age was specified, but said to be a young man.

Question. That was a very elaborate piece of composition, was it not?

Answer. Yes, sir.

Question. You think altogether superior in style and maturity to what a youth of nineteen could accomplish?

Answer. I do not know; he may have been a right smart man. I was not acquainted with him.

Question. Did it bear the impress of the style of Major Glover?

Answer. Well, sir, I could not answer that. Major Glover, himself, was very much incensed at the conduct, this man being taken out of his house.

Question. Is it so rare that young white men have illicit intercourse with negro women, that his case should have been singled out as one of special cause for a disgraceful whipping?

Answer. No, sir, I suppose not; the way I heard it was—I do not know that it is true—the way I understood the report was, that there was a negro man in that neighborhood, and this young man had employed this negro man's wife to cook for him, and was sleeping with her, and the man became enraged at the idea of his sleeping with his wife, and got assistance to have him whipped, thinking that would run him off.

Question. Did you understand that this was a band of negro men who inflicted this whipping?

Answer. No; I did not understand who it was. I never heard who it was. I understood several men took him out and whipped him.

Question. You did not understand whether they were white or black?

Answer. No, sir.

Question. Is it probable that a negro man could have enlisted twenty or twenty-five white men to have inflicted a whipping upon a young man for sleeping with his wife?

Answer. I do not know; I could not tell.

Question. You are acquainted with the sentiments of this community; what is your opinion; do you think twenty or twenty-five white men would have taken up the cause of a negro under such circumstances?

Mr. BLAIR. The number was stated at ten.

The CHAIRMAN. Put it at ten, then.

Answer. Well, sir, I could not state; likely they would.

Question. Is it not your information that it is a very common thing, in Marengo County, for white men to have sexual intercourse with negro women?

Answer. Yes, sir; I suppose that to be so; I do not know it.

Question. I asked for your opinion?

Answer. I reckon, in Marengo, it is about as in every other county.

Question. Do you think it is a very common circumstance?

Answer. I could not answer, for I do not know anything about it myself.

Question. About what proportion of the colored race, so far as your knowledge extends, have white blood in them?

Answer. I do not know; I never thought about it; I could not answer that; I do not know.

Question. As much as one-third, do you think?

Answer. I would think not so much.

By Mr. BLAIR:

Question. Is this practice confined entirely to southern men; is it not found among northern men who come down here?

Answer. Northern, I believe, are about as bad as southern men, or may be worse; they are said to be.

Question. Especially those who make equals of the negroes in other respects?

Answer. Yes. I do not expect there is much difference.

By the CHAIRMAN:

Question. Have you ever heard of any prosecutions being instituted against the men who were concerned in the murder of Westbrook, or the whipping of this school-teacher?

Answer. I do not think they have ever been known; that is my understanding.

Question. My question is, whether you know of any efforts being made to discover the offenders, and bring them to justice.

Answer. Well, sir, I was sick at the time Robin Westbrook was killed; I knew the black man, myself, and his wife. This man Robin Westbrook's wife is a sister of a very excellent colored man, who is living with me; that is the way I happened to know anything of it; he went over to see his sister, and my understanding from him was, that his sister reported to him that she did not know who they were that killed her husband; that is the statement.

Question. My question is whether any efforts have been made to discover the offenders.

Answer. I could not answer that; it is out of the neighborhood in which I live.

Question. Would there be any practical difficulty, in your opinion, doctor, in finding out the men who are concerned in these outrages, if an earnest effort were made, at the time they were committed, to discover them?

Answer. Well, Mr. Pratt, I could not say, not knowing anything about them at all. I have been confined to my house since March, and I do not know. The impression is here, I understand, that such a thing is done; but who did it? They will say, "The negroes did it," but I do not know anything about it.

Question. Let me illustrate what I mean. Suppose a body of disguised men were to ride into the town of Linden at night, single out some prominent citizen, held in good esteem in the community, and take him out at night and whip him, or murder him, is it not your opinion that there would be a general hue and cry raised, and that every man in the community would feel it his duty to turn out and attempt to discover the murderers?

Answer. Yes, sir, I think so.

Question. And would there be any practical difficulty in tracking them, overtaking them, and discovering who they were?

Answer. There might be; the way that I understand it, it is very difficult to find them out. I have never seen any myself; I do not know that any such organization exists.

Question. If they came in a body and left in a body, would there be any difficulty in tracking them?

Answer. They might go in the woods.

Question. Could they not be tracked in the woods?

Answer. Yes; but they could not be tracked through the woods.

Question. Could it not be ascertained where they had stopped for refreshments, where they had procured their horses, and arms, and ammunition, and their disguises, if an earnest effort were made to find them out?

Answer. Perhaps, now, a crowd might come from Sumter County in a band, and come to Linden, and take me out and murder me.

Question. Do you think there would be any difficulty in a squad of cavalry tracking a squad of Ku-Klux, and finding out who they were?

Answer. These Ku-Klux may go as cavalry, or as a crowd on horseback; they could make their escape just as well as a person pursuing them.

Question. But if a body of citizens were to obtain horses, and move out in the direction that the Ku-Klux had retreated, with an earnest desire to overtake them, and find out who they were, do you think there would be any practical difficulty in arresting any of them?

Answer. I think some of them might be arrested after awhile; if not in one case, they would be in another. It might take some time to get together and organize; but if they were pursued, energetically and earnestly, I think they might be taken; I do not see any reason—I do not know that such an organization exists. If I ever saw any I did not know it.

Question. Then, is it not owing to indifference and apathy that they are not discovered and brought to justice?

Answer. Well, sir, I do not know.

Question. You have an opinion?

Answer. Yes, sir; I think they could be overtaken.

Question. You say you have heard of such an organization as the Ku-Klux?

Answer. Yes, sir.

Question. What did you understand was the object?

Answer. I do not know. I understood it was a secret organization.

Question. What purpose did you understand they were organized to accomplished?

Answer I do not know that I have ever known anything about their purpose. They say the Ku-Klux take negroes out sometimes and punish them for bad offenses.

Question. Did you ever hear that they visited Union men, and inflicted punishment upon them—white men?"

Answer. Well, I think perhaps I have heard it, but none of the kind has ever come under my observation.

Question. Did you ever hear that they visited and punished men who were obnoxious on account of their political sentiments?

Answer. No, sir; I do not know that they did on account of their political sentiments.

Question. I asked whether you have heard of such a thing.

Answer. Yes, sir; I have heard so.

Question. Is it your belief that such an organization has existed in the State of Alabama, in the past?

Answer. I could not answer that question. I do not know that there has.

Question. You never saw a Ku-Klux then?

Answer. Not that I know of.

Question. You never saw a man disguised?

Answer. Not in disguise.

Question. Did you ever see any one that had seen persons riding about disguised?

Answer. No. I do not know that I ever did.

Question. Have you ever heard that such an organization existed in Marengo County?

Answer. Yes. I have heard that there was.

Question. Have you heard that there was such an organization in Sumter County?

Answer. Yes, sir.

Question. And Choctaw County?

Answer. Yes, sir.

Question. And what other neighboring counties—Wilcox County?

Answer. Yes, sir.

Question. What outrages have you understood that they committed?

Answer. I never heard; I never heard that they committed any, only this killing of

this man, Robin Westbrook, and then I understood that there was a negro killed in Choctaw, by the name of Lyon.

Question. Abe Lyon?

Answer. I think that is the name.

Question. Have you heard of any outrages committed in Hale County?

Answer. No, sir; I do not know that I have.

Question. Have you heard of jails being visited and prisoners rescued?

Answer. Yes, sir; I heard something of that; I never heard that until yesterday.

Question. You have heard of the visit to Marion jail by Ku-Klux, have you not?

Answer. No, sir; I have not heard of that.

Question. You have no idea of the purpose of that organization; for what they were organized?

Answer. No, sir; not of my knowledge.

Question. From your best information, what is your opinion as to the objects of that order in the State of Alabama, in such parts of it as they have existed?

Answer. Of my knowledge, I do not know that such an organization exists.

Question. I am asking you, now, to speak from your best information upon that subject.

Answer. Well, sir, I think it is to uphold the law; I do not know that I ever thought anything about it.

Question. Have you ever heard that it was organized in the interest of the democratic party, and to secure the ascendency of that party in the elections in the different counties?

Answer. I don't think that was so; I don't know—it may be; I don't think it is.

Question. Have you ever heard that that was one of its objects?

Answer. No; I never heard it.

Question. Have you ever heard that it was one of its objects to punish men who were obnoxious on account of their political sentiments?

Answer. No, sir; I never heard it.

Question. Did you ever hear that its punishments, in point of fact, were inflicted generally upon men whom you style radicals?

Answer. I do not know that that would be—that they would be any more punishable by that order of men than any other class of men, if they would behave themselves. I do not know, though.

By Mr. BUCKLEY:

Question. Did I understand you to say that you heard Mr. Jones's speech at Linden?

Answer. Yes, sir; I have heard him speak at Linden.

Question. Were you present at the time the difficulty commenced there?

Answer. Yes, sir; I was there all the time.

Question. In the speech of Mr. Jones, or the portion of it you heard, did you hear anything that was out of the way or wrong in a public speech on such an occasion?

Answer. No, sir.

Question. Was it appropriate?

Answer. I thought very much so; one portion of his speech I thought very appropriate; he remarked that he did not come down there to do any mischief or anything wrong.

Question. Have you read his public card?

Answer. I have; yes, sir.

Question. Do you recollect that he makes some reference to yourself in that card?

Answer. Yes, sir.

Question. Is that substantially correct—the reference he has made to you?

Answer. Will you read it, sir?

Question. There is considerable of it here.

Answer. I do not remember just what it was.

Question. He states that you called to see him in the court-house room.

Answer. Yes, sir; I did call to see him; but I do not think the statement is all correct.

Question. He says, "Doctor Riddle replied, 'We've done all that can be done; but, Billy, before they shall kill you, they will have to kill me first.'"

Answer. I did not say that, but I told him I was opposed to him in politics; but as I had come to see him, I would give him all the protection I could; that they should not kill him, if I could help it.

Question. You considered that his life was in imminent danger, did you not?

Answer. At the time I was in the house, I did.

Question. Were not the remarks that were made by that crowd very irritating, and unnecessary, and uncalled for?

Answer. They were unnecessary and uncalled for; but I have heard public speakers frequently before interrupted; there was no necessity of doing it; there was no necessity of interrupting him at all.

Question. Did not this reference to the difficulty that had previously taken place at Shiloh have a tendency to irritate very much?

Answer. Yes, sir; I expect it did.

Question. Do you not think that indicated a bad disposition on the part of the men who referred to it?

Answer. I think the interruption could have been let alone; but, at the same time, I think if Mr. Jones had never come out and said, "Let us fight the thing out," there never would have been any more difficulty.

Question. Did you understand that that remark applied to one individual who had been especially irritating?

Answer. O, no, sir; there was more than one interrupting; there were several interrupting him. I do not know for what purpose this thing was. I did not then apprehend any more danger than at this moment, until Mr. Jones made the remark, "We will go down and fight it out." He was then up stairs, and at that time, I think—I would not be positive—but I think, at that time, he got the pistol out of his umbrella, on the table, and started down stairs, and when he got to the foot of the stairs he then remarked, "If any one has anything against me, I am ready to fight it out." He met this man Morgan at the gate of the court-house yard, and then Mr. Jones had his pistol elevated in this position, [illustrating.]

Question. When Mr. Jones made this remark at the stand, do you not think he made it in reference to Morgan?

Answer. There were others interrupting him as much as Morgan; there was a man named Smith interrupting him very much; but he may have done so; I do not know; he said he would fight it out.

By the CHAIRMAN:

Question. Was that Doctor Smith?

Answer. No, sir; it is a man in the lower part of the county; Doctor Smith lives in Jefferson.

By Mr. BUCKLEY:

Question. We have heard it said of Mr. Jones, several times, that he was in the habit of making inflammatory speeches; have you ever heard from him a speech of that character?

Answer. Well, I do not know; what would you call inflammatory? let us hear your definition of inflammatory.

Question. I should say that a speech which had for its object simply the carrying out of one's own political views in a legitimate way—in such ways as are usually resorted to by political speakers—would not be inflammatory.

Answer. I think Mr. Jones's conduct—I may be wrong—I think the way he is going on in this county is bringing a great deal of unnecessary trouble on innocent people; that is my opinion about it. My family, to-day, is away from home on that account. He gives me a great deal of credit in that paper, and I would not have him hurt, if I could help it. But there is something wrong. I have a good many black people on my plantation.

Question. Is there not something wrong on both sides?

Answer. I reckon there is; I reckon we are all wrong.

By the CHAIRMAN:

Question. When you announced to the crowd that Doctor Jones had withdrawn from the canvass, and would no longer be a candidate for sheriff, did it seem to appease the crowd?

Answer. That thing is incorrect; that statement Mr. Jones makes there is incorrect. He says, as well as I recollect, in that letter, that I went and saw the crowd, and made known his position. Judge Young is the man who went out; I did not; he preferred for me to remain with him, and let Judge Young go out. Judge Young went and saw Mr. Woolf, and told Mr. Woolf what Mr. Jones had agreed upon doing. I did not know what effect it had. Mr. Woolf soon came in with a paper, and handed it to Mr. Jones, who read it. I did not know its contents, and Mr. Woolf said, "That is what I understood from Judge Young you wished me to do," and asked him if it was so; and Doctor Jones remarked, "Yes, that is correct; give me a copy." I did not go out to the crowd at all; I remained with him

Question. Did you understand that that had the effect of appeasing the crowd, and quieting the disturbance?

Answer. Not in the way Doctor Jones writes it there—that he was to quit being a radical. I think he might be a radical as much as he pleased, if he remained here; but to go down below excites the black people, takes them away from their labor, and things of that sort.

Question. Did the mere fact of his withdrawing from the canvass, and consenting to go home and make no more political addresses, have the effect of appeasing them?

Answer. I think so; I think that is it. At all events, when we went out, and he got

to the court-house yard, and he then was crying; Mr. Jones came out of the house crying, and when he started out he told me to take care—I think that is the language now—he has a book, which I see here, [scrap-book,] and I said, "William"—he had lived a neighbor to me since he was quite young—I said, "William, what do you want done with that book?" He says, "You take it yourself." I asked him, "What do you want done with those pistols?" He says, "You take them." I said, "No; that will never do in the world. Mr. Woolf, please take them, and put them in his wagon—his buggy."

Question. The circumstances were well calculated to unnerve a man, were they not?

Answer. Yes, sir; but I thought he brought it on himself. I may be wrong, but that is my conviction. I do not know now what the people came there to do; I know I came there for peace, myself.

Question. Did you go there for the purpose of hearing what he should have to say on that occasion?

Answer. Yes, sir; that is what I went there for.

Question. You did not expect to be converted?

Answer. No, sir.

By Mr. BUCKLEY:

Question. Did you not rather go to keep peace and quiet—keep down all threatened violence?

Answer. Really, I went there without any object. I did not expect that there would be any difficulty; but if there was, I thought I would have some influence in suppressing any difficulty. I did not expect any myself. There is one thing I wish to be understood, that is in regard to this flag; I know something about that. That flag was not molested. Mr. Jones says in that paper that it was cut or torn. It may have been torn before it got there, but it was on a rough stick, as large as my arm, and was suspended from the floor of the balcony, and was right under where he was speaking. The flag was beneath him.

By the CHAIRMAN:

Question. Have displays of the United States flag been common since the war?

Answer. Yes, sir.

Question. Do the whites hold Fourth of July celebrations, as they used to do before the war?

Answer. No, sir; not in my neighborhood. We have not got much to celebrate with; everything we had is pretty well gone; we are trying now, as well as we can, to make an honest living; I am.

Question. Upon what occasions do you refer to, when the United States flag is displayed?

Answer. In public speaking.

Question. When the democrats hold their political meetings do they have the United States flag?

Answer. No, sir; I have not seen one, I do not think.

Question. It is at republican meetings, then, that the flags are displayed?

Answer. Yes, sir; all that I have seen; in fact, I have only seen the flag Mr. Jones uses.

Question. Is that the only flag you have seen displayed since the war?

Answer. Yes, sir; I have not been out of the county, except to Mobile, since the war. But in relation to this flag being torn, a negro came up whilst we passed out of the aisle of the court-house, and got in front; we came out of the chancery-room, on the south side, where Mr. Jones had come in; when we passed out we turned an angle, and then went out an aisle in front of the court-house; a negro man there came up and asked Mr. Woolf to give him the flag; Mr. Woolf says, "There it is; it is none of mine; take it if you want it." The black man did not seem disposed to do so, and Mr. McNeill told him, "I'll assist you." Mr. Woolf and Mr. McNeill took the flag down themselves, I think. It was tied in three places, with twine string, and Mr. McNeill, I think, untied one himself, or Mr. McNeill started to untie one, and the black man started to untie one, and Mr. Woolf in the third place, and they did not succeed, and Mr. Woolf cut the twine string that tied it, at the suggestion of the black man.

Question. The upshot is, you do not think there was any intentional disrespect to the flag there?

Answer. No, sir; not a bit, as far as I saw. I do not know what they did with it, after they got away from there.

Question. Have you heard of the case of Dr. Smith, of Jefferson?

Answer. Yes, sir; some persons shot at him.

Question. There is no difficulty in enforcing the law against negroes, where they are guilty of crimes?

Answer. Nor against white people, either.

Question. Do you know that there are six men lying in jail at this time, on a charge of assaulting Dr. Smith, with an intent to kill?

Answer. I understand there are several.

Question. Do you understand that they have been lying there for months?

Answer. Two or three months. One, I think, made his escape.

Question. Did you understand that one black man had been seriously whipped, for the purpose of compelling a discovery of who were concerned in that attempt upon Dr. Smith's life?

Answer. I heard so; I heard that; I heard it from the black people; I do not know the truth of it.

Question. Have any steps been taken to punish the men who were concerned in that outrage—whipping the negro?

Answer. I never heard who it was who did whip him. I understood this Mr. Michael, the present sheriff, was before the primary election, running for re-election for the sheriff's office, and, as I before stated, Robin Westbrook's wife is a sister of a very excellent man who lives with me. I owned him a great while, and he told me that he had understood, himself—the black man had—that Mr. Michael had done it.

Question. Had done the whipping?

Answer. Yes, sir.

Question. You understood that the whipping of Lewis——

Answer. That was the name.

Question. Was done by white men?

Answer. I understood from this black man that it was done by white men, to make him tell who the parties were.

By Mr. BUCKLEY:

Question. And the whipping was done, did you understand, after he was arrested?

Answer. That is my understanding.

By the CHAIRMAN:

Question. Now, if the laws are impartially administered, without distinction of color or political opinion, how does it happen that the white men who were engaged in whipping the negro Lewis, in order to compel him to make discovery, should not have been arrested and put in jail, as well as the negroes who are now lying there, implicated in the attempt upon Dr. Smith's life?

Answer. That is true; if the negroes were under arrest, and were taken out and whipped, the parties doing it ought to have been punished.

Question. Why was that not done?

Answer. I do not know. I do not know that they did it.

Question. Assuming that that was so?

Answer. I could not say; I do not know. I think there is something wrong everywhere; I think we are all wrong.

Question. Do you say, in the face of that striking fact, that the laws are administered impartially, without distinction of color or political opinion?

Answer. Well, sir, I will give you my opinion in answer to that question; I will tell you what I believe now, and what I have believed all the while. At the time of the surrender I owned a great many slaves; my black people thought it was prudent and proper, or best for their interest, to remain with me; they have remained with me from that time until now; every servant I ever owned in my life is there, living with me to day. I try to treat them well, and pay them for their services, and do well. I think if everybody would stay at home and attend to their business, and go to work and do right, we would have better things in the country; that is my opinion. I may be wrong, but here are my black people; that is an illustration. I was wounded last March; I was stabbed; my black people came to my rescue; came with arms. If I had been a radical there would, perhaps, have been a great hue and cry raised against me.

Question. Who were you stabbed by?

Answer. I do not know—it was an assassin.

Question. In the night-time?

Answer. Yes, sir.

Question. On the public highway?

Answer. I was in the streets of Linden; my negroes came to my rescue, the whole body of them, from all my plantation. I treat them well, and pay them for their labor, and if they get sick I attend to their wants.

Question. Have you discovered who the assassin was?

Answer. Yes, sir; I learned it was a man named Wooden.

Question. A white man?

Answer. Yes, sir; I never saw him or spoke to him. That Saturday night Mr. Jones spoke, my people were there, but not with arms. I tell them not to go to these political meetings with arms; to go and hear the speaking, and vote for who they please, and behave themselves, and I get along peaceably. That is the way I talk to them. After the Saturday meeting, three-quarters of my blacks took my mules, without my

consent, and came here to see Mr. Jones on Sunday. That thing is wrong. I cannot submit to that; it is ruining my interest. I do not know what they came for. I suppose there were twenty or thirty. I missed my mules next day; they were gone.

Question. They regard him as their friend?

Answer. Yes, sir; and they regard me as their friend. I think they would do more for me than they would do for Mr. Jones; it shows that there is something wrong in this matter; I do not know what it is.

DEMOPOLIS, ALABAMA, *October* 28, 1871.

CHARLES L. STICKNEY sworn and examined.

The CHAIRMAN. This witness having been called by the minority, will be examined by General Blair.

By Mr. BLAIR:

Question. Please state your residence and occupation.

Answer. Hale County, Alabama; planter.

Question. How long have you lived in Hale County?

Answer. Born and raised right there.

Question. State, Mr. Stickney, the condition of affairs in your county with reference especially to the execution of the laws and the peace and quiet of the community, and good order.

Answer. We have good order there; the laws are executed, and we have peace and quiet, as far as I know.

Question. Has that been the rule?

Answer. It has for several months past.

Question. Was there a disturbance in that county, threatening a gentleman by the name of Blackford, some time ago?

Answer. Yes, sir.

Question. What do you know of that matter?

Answer. I knew Blackford at the time of his coming, if you would have me state that.

Question. Yes.

Answer. He came as a physician, and practiced medicine for several years—how long I cannot now state—successfully. His success, I think, sprung very much from his practicing lower than other physicians.

Question. He was cheap?

Answer. Cheaper; yes, sir; that was my understanding, and successful, too.

Question. Did he practice ——

Answer. We knew nothing of him except what was heard by a gentleman who wrote to Columbus, Georgia. He stated that he did not leave there under fair circumstances; that, however, did not have any effect, that I knew of, on his profession. He was not received in society that I know of—what is called "society." He was regarded as not a truthful man. That was soon after he came; and there was some little thing turned up; I do not remember what it was; but he did not altogether pass as a truthful man; that passed, however; it was of no consequence; he was one among a thousand coming and going in our community. A little circumstance I will relate which occurred in my knowledge; I could not swear to it as a fact. When reconstruction was first broached, when the subject was new to us, he mentioned to a gentleman in whom I have confidence, who told me, "Let us reconstruct, and get in a peaceable and happy way; let us invite persons from the North to come and build up our country; have a cottage every half mile, and honest, industrious laborers, and the doctors will fare well, and you merchants and lawyers too, and we will be a prosperous people." This gentleman remarked, "What will you do with the present laborers?" He says, "Let them follow the Indian." That was charged on him in a meeting of negroes, and he, in his usual affable way, says "O, I was not understood." Well, he is a peculiar man. I liked the man always, because of his frankness. I do not say I liked him, but I had no inimical feelings toward him. I have a little office in town; he was in there occasionally, and he is so quick to change front, and make the worse appear the better; he is a peculiar man—remarkably so. If anything would occur that was bad, he would make it all straight again, and promise amendment, and the times were such we were glad to hear of people getting better, as often as they could. As to the disturbance, I can say with truth, there was a constant irritation after Blackford took up politics. The negroes would talk in this way: I would ask, "What do you want, John?" "I want to go to town to-morrow." "What for?" "Dr. Blackford has ordered us to town." "What for?" "I don't know, sir." "You are as free as I am; why leave; should you leave your work to go to town for Dr. Blackford?" "Dr. Blackford has ordered us, and we'll be punished if we don't go." "That is not so, John." "Well," he says, "I am afraid to trust it." That was the constant thing. I do not know what Dr. Blackford's motive was in

doing this, except to just keep up an influence. I would talk to him sometimes freely; he was always free to talk; he would come and talk; he would always disclaim anything which was wrong; he sought our office frequently, and he would come and borrow money sometimes; he would make some little deposit, a gold bond or something to give security, with my younger brother, but always with my approval. I have repeatedly said, "If you would stay at your practice you would do well." He was a good doctor. I had occasion to call him in; my mother was taken suddenly sick, and I found him within one hundred yards of the house, and called him in, and was pleased with his practice, and he was kind and capable. When my doctor came, I said, "My patient is well now." He said, "Very well." I do not think he is a man of much education, but he is accomplished. Some people stood by him through thick and thin, because he was a good doctor. One man, Mr. Hill, said, "I do not regard him as a gentleman, but he is a good doctor, and I will lay aside all formality when my family is sick; I want the best doctor then."

Question. Do you live in town?

Answer. I live within three miles of town; my planting is my chief interest. I carry on, with my brother, a little manufacturing interest of shoes and harness, &c. He attends to it, and I aid him with a little counsel, &c. At the time of this disturbance I was not in the city, or town, as we call it; it is only a village; but I have had an opinion about that; I do not think it was for his political sentiments altogether; I never did believe it; I could not tell who did it; I have no idea who did it. I was asleep when they passed my house; they went by my house; I live on the road; I heard they got water there. The negroes said they got water there. But I have no idea in the world who they were—not the least. I think they went first to release McGrary, who was falsely imprisoned, so said; in other words, he had done something which involved a trouble with negroes; I do not know what it was, but the people about thought he was falsely imprisoned; I think they came to release him, and took this other in the way. I do not think they meant any harm to Blackford, more than to scare him; that is my opinion; I do not know a word. I know this, some of our citizens got together; several of us happened together in an attorney's office; resolutions had been drawn up condemning the whole thing, condemning the move of these disguised men; our editor was chief in it, a very sensible man, in whom I have implicit confidence. But it was said, "It will do no good. These people know we condemn it and this will perhaps only array them against the community." To illustrate: a Mr Chapman said something about them—made some improper remark, as it was understood, about them, and they visited his house in the night. He is a sterling man, a stern democrat. Mr. Chapman lives ten miles from me. They visited his house and called him out, and talked to him about this; they insulted him. As I said, they wanted a meeting and resolutions, and I said, "The less meetings we have about these things, the less irritation; we condemn them now." I condemn them; but I tell you, gentlemen, I do believe candidly this fear that has been produced has had a healthful effect. I believe it as firmly as that I sit in my chair. This midnight terror is a terrible thing. I will say to my negro George, "Are you afraid of the Ku-Klux, George?" "No, I am not." "Do you not think they have done good?" "Yes, I do; they don't burn as many houses or steal as many hogs." While I have no sympathy with them, don't know a man of them, but sleep at night and work by day, I candidly believe that thing produced a healthful feeling. Do not understand me as recommending a violation of law; I am a law-abiding man. I have read enough history to know, though, that by sanctioning wrong for good, it will ultimately redound to our own harm; we see that in the Cæsars and the Ciceros, &c., when we read history. Let men outside of law have sway awhile, and they go too far. This thing is not sanctioned by the community, as far as I know, and I am acquainted with everybody about there—born and raised there. My father came there in 1819; he bought his land—take note of this—of General Le Fevre, Bonaparte's right-hand man; he named me after him. They settled this colony; this was given to them by Congress, you remember.

Question. You stated that a negro man of your own expressed the opinion that these Ku-Klux did good?

Answer. Yes, sir; perhaps only expressed the opinion.

Question. Inasmuch as they prevented stealing?

Answer. Yes, sir, and he is borne out in the sentiments of negroes with us; they have expressed it to me; we have negroes that we have raised now with us; I often talk with them strictly; I take some interest to prevent evil, correcting the younger ones, &c. They express their decided fears of a visitation; that there is a want of order, &c.; and they know themselves that fear has a tremendous effect upon disorderly people. I have asked my negroes, "Do you think the Ku-Klux will do you harm? Are you afraid of them?" "No, sir, I'm not. I've met them, and they didn't trouble me. I've met disguised men; I don't know what you call them; I suppose they are Ku-Klux." Here was a case that occurred; I was there a few days afterward; I do not know the facts myself; I only heard them. A gin-house was deliberately burned, believed to have been by a certain negro, ten miles above me. I was on my way to

the station, a few days after its occurrence—this Chattanooga railroad station, up there, not far from Flatwoods. The negro was said to have been taken out by disguised men, and shot for burning a gin-house. Well, there was no more burning after that. Last fall they had more burning of gin-houses than I have ever known before. There was no more burning after that; who did it, nobody knows. The officers had had the negro in custody when those men came, and took him out and killed him. I heard it from men who knew the occurrence. He was found by Mr. Murphy, several days after he was shot, in his field. Effort was made—I was on a grand jury afterward—effort was made to find out who did it, and I know we searched diligently as far as examination could be made, and we could not find out. In reference to the burning of a house up there, belonging to Mr. Green, maybe you have heard of it. A negro, Green, his cabin was burned; that came before the grand jury, and we sent for numbers of witnesses; some believed he did it himself; others that it was done by other negroes, and it was so vague we could not get any possible clue.

Question. What did the negro himself say?

Answer. He did not know; he said his house was set on fire.

Question. Had he no suspicion?

Answer. No, sir; he did not tell us; he was not in it; he, from some sort of fear, was sleeping out of it. I do not know what prompted the fear, but he was not in it when it was burned.

Question. Did he tell you who he was afraid of?

Answer. No, sir; he did not mention the names. If he had, of course we would have searched for them. We made as diligent search as a grand jury could. I was on the grand jury when a young man named McDonald was indicted in two cases; one for firing into the house of a negro named Ross Valentine—a leading negro of the party, so said; I never saw him leading, but I have heard that—we indicted him for that, and also for an assault on a negro the same night.

Question. Was he a white or colored man?

Answer. A white man, with no sympathy with the radical party or republican party at all. He was just a fast young man, as we call him—a rash young man.

Question. What became of the indictments?

Answer. They are against him; he was arrested and put in jail, and some one bailed him.

Question. He is now under indictment?

Answer. Let me see—I will not say: but he stands before the law. Two other cases also occurred, two little cases, for pulling off palings of some of the best citizens. He disturbed the gates, or pulled off palings, or something. The grand jury was impartial as far as I know. We investigated every possible wrong-doing we could hear of. We looked into this burning of two houses of the two Johnsons, soon after the Blackford raid; we made diligent search into that, but could get no possible clue.

By Mr. BUCKLEY:

Question. Do you refer to the livery stable?

Answer. Yes, sir; the livery stable of Andy Johnson, and the work-shop of Robert Johnson. A fire was kindled in it, and it was seen by one of the citizens, and put out.

By Mr. BLAIR:

Question. Was there any suspicion as to anybody?

Answer. I did not have any. I was told of two or three negroes suspected; but I would not mention the names, because there was no proof at all—not a bit. We made as diligent search as could be. It was a vile thing, a vile thing. It was a night or two after the Blackford raid.

Question. Do you know anything of the raid on Blackford of your own knowledge?

Answer. Not one thing, only what was told.

Question. Do you know anything as to the sale of his property?

Answer. Yes, sir; I am a party to the purchase. The matter was canvassed and discussed. I disapproved of it on principle. We canvassed the matter several days—the town did. I was a resident, and in town every day or two. In the first place, we took this view: Blackford is very much in the way; he meddles with the men; instead of sticking to his office, he is continually saying something to the negroes, and I wished he was away; I thought we could get on better. To illustrate: one of my head men—I have three or four little places under the control of honest laboring men, who take the plow and labor with the negroes; they did it after the surrender. I said to those young men, "If you will go to work, I will help you to farm." I have known the young boys growing up there for years, and I tried to encourage them in that way. A man made a remark to me a few weeks ago, one of my head men, a negro man: "This has been as good a season as we have had; we worked our crops pretty well this year, kept our grass down," and this man remarked, "I don't know what we would have done if Dr. Blackford had staid here; he would have had us so often to town we would have been overwhelmed with grass." He just playfully remarked that.

Question. You went into this Blackford matter yourself?

Answer. Yes, sir; I thought it was best. I thought if he could go away it would be best for him and the community. I did not know what might come to pass. I would have deprecated above all things the killing of a man. Men do not always kill men for political purposes; frequently it is from personal feelings. Webb was not killed for any political opinion, but a personal matter. Webb was interfering with a young girl that Orick had an interest in.

By the CHAIRMAN:

Question. A colored girl?

Answer. A yellow girl. Orick had no more care for the country's welfare than any body else; he took no part or lot in it; he was a rash man; he was with Moseby, in Virgina, and learned a heap of things—high-handed. He deliberately walked out and shot the fellow Webb, and walked right back to his office as independently as if had killed a pig.

Question. What was done with Orick?

Answer. He fled; but they made every effort to catch him; where he is, I have no idea.

By Mr. BUCKLEY:

Question. This man Webb was thought a good deal of?

Answer. Webb worked with us a long time; he belonged to a friend. We had two or three harness-makers, and taught several of them to read and write, and this young man lived with us a long time. He was very talkative. I recollect Levi would not like Aleck's interference in bargains. Levi would make bargains or sales of goods, but Aleck would meddle with talk, and he interfered with Orick's relations—love relations, or whatever you may call it—and Orick killed him. That was the opinion of everybody. Orick took no more part in politics than anybody; he was not that kind of a fellow; he was thinking of himself—a bold, dashing young fellow, a good-looking fellow, and Aleck interfered. His motive was good; he tried to divert this girl's attention: that is my opinion and the opinion of the better people. Orick, feeling that kind of flush of feeling, went out and attacked him. And there Blackford did a bad thing; I did not see it; I heard it; he instigated the people to revenge. I did not hear him say it, but I believe he did.

By Mr. BLAIR:

Question. Blackford did?

Answer. Yes, sir; he called upon them to revenge his death, and I tell you we had a warm time for awhile. Instead of allaying the excitement, as he ought to have done, he added to it, and called upon them to avenge Webb.

By the CHAIRMAN:

Question. Did the colored people have any feeling about this quarrel between those two young mem?

Answer. Not a word was ever heard of it until the thing occurred, that I know of. It was a quiet, individual affair.

By Mr. BUCKLEY:

Question. Register of voters?

Answer. Something of the kind, but it made him prominent; that made it natural for them to like him. I excused them for feeling that they had lost one of their best men.

By Mr. BLAIR:

Question. Was Blackford successful in exciting them?

Answer. Yes, sir.

Question. There was quite a riot?

Answer. Yes, sir, a tremendous riot; but the good men—Dr. Wadsworth, a good man, a Methodist preacher, came out and preached—came out boldly and told them to disperse—that this must not be regarded as a political move. I knew Aleck well. He was an innocent negro, innocently executed, but meddling, and in that case I thought he was wise in meddling, if he could have done it in a way not to have caused a difficulty.

By Mr. BUCKLEY:

Question. There was no violence done by the negroes?

Answer. No violence followed, but it was providential, it seems to me, for there was a tremendous excitement.

Question. Why should the colored people have felt an interest in the matter after Aleck was killed?

Answer. It was charged immediately upon the whites as a design. Blackford aided

that belief. None of us knew that there was any more feeling between Aleck and Orick than between yourself and me; but as soon as the thing was done—it was a terrible thing—it was regretted by all of us. I was told of it by a colored man next morning, and he remarked, "They won't let us have anything." I remarked, "Do not say that, Jim; the decent people have nothing to do with it." He said, "They wont let us have any chance," Jim said to me.

Question. Was Aleck a favorite?

Answer. Yes, sir; he was far above ordinary; he was a mechanic.

Question. A colored man?

Answer. O, yes, sir; all the mechanics among negroes are esteemed above ordinary negroes—more intelligent; and Aleck had been appointed register, I think, I am not positive, but recently.

By Mr. BLAIR:

Question. The negroes came in large crowds, armed?

Answer. Yes, sir.

Question. They arrested and brought up one young man?

Answer. Yes, sir; that was a terrible thing; he was as innocent as I was. An innocent young man was found in a house, out in the country, where the negroes were in search of Orick; this young man was out walking in his night-clothes, and they came up; he fled and they caught him; he was brought to town in almost a naked condition.

By Mr. BUCKLEY:

Question. They supposed him to be Orick, did they not?

Answer. I suppose so.

By the CHAIRMAN:

Question. Was he killed?

Answer. No, sir, not hurt, except scratched pretty badly. They took him up to Blackford's office; what was done I do not know.

By Mr. BLAIR:

Question. Took him up for Blackford to decide upon his fate?

Answer. I suppose so.

Question. Did not that indicate that they regarded Blackford as their leader?

Answer. Yes, sir; he was their leader.

By the CHAIRMAN:

Question. Did they suspect this young man of being concerned in the killing?

Answer. I do not know, Senator; the young man was known to the negroes; I never could understand why they should have arrested him. The young man was raised within a few miles—an innocent, plain, country boy.

Question. The colored people simply arrested him and took him to Judge Blackford for the purpose of having a judicial inquiry?

Answer. I suppose so; nothing was done with him; he was released after being carried in this naked condition. I understood that Mrs. Nutting said—and I believe she did, for she is a bold-speaking woman—"that it was a shame. Are there no white people in this town?" that they should allow that, to have young Gewer carried in that condition; and it was a terrible thing, to have anybody run down and caught; I confess I felt aroused.

By Mr. BLAIR:

Question. What did Blackford say to excite the negroes—what did you understand that he said to the negroes?

Answer. He called that a direct thrust at them. I never heard him say it; I only understood that was the speech he made; he told them to avenge this act—the death of Webb—and had them tremendously excited, when it was in his power to allay excitement; because he had no evidence, and I do not think he or anybody knew that there was a syllable of disagreement between Webb and Orick. There was not a whisper of it. It was a private matter altogether, just such as will occur in every town between young men: interfering in these matters always excites jealousy. That was all I heard; hence I thought Blackford was much to blame in not allaying the excitement, because he was with people who had befriended him. Blackford has cause to speak well of the people of Greensborough, for we have borne with a great deal from him; they have borne many things, or overlooked them. I believe he would be glad to go back there. As evidence that he has no fears, he has been back three or four times, contrary to his written agreement, because our best men said if Blackford would leave we would have peace.

By the CHAIRMAN:

Question. He comes back Saturday night and goes away Sunday morning, does he not?

Answer. Mrs. Jeffries told me day before yesterday: "Mr. Blackford is here, and walked to the academy gate with his daughter, taking her books with her." I was at her house yesterday morning and took breakfast with her; I had a message there, and took breakfast with Mrs. Jeffries. She says, "As calmly as anybody, he walked with his daughter"—a girl I teach in the Sunday-school, Blackford's daughter, an interesting, smart girl.

By Mr. BUCKLEY:

Question. That was a visit only?

Answer. Yes, sir; but he had no fears. I speak of it, and say that Dr. Blackford is doing wrong, because that was the stipulation.

By the CHAIRMAN:

Question. That he should not come back?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. You did not mean that he should not come back to see his daughter, but should not reside there?

Answer. I do not mean more than the written stipulation stated; that Blackford would leave the State, and it was supposed he would find a new home for the peace of our community; our laboring people want peace.

By Mr. BLAIR:

Question. At the time of this raid upon Blackford, where was he found?

Answer. I do not know; I was told he was found in his room. The party visited Mrs. Nutting's, it was so understood. Mr. Lane said he was that night staying at Dr. Peterson's, opposite Mrs. Nutting's, and he heard no disturbance; an accidental shot or firing he heard, which is common in town, but no disturbance outside of that. They passed there, and not finding him, went to the probate office and met Squire Grigg, the former sheriff. They took a stick of wood, and forced the probate judge's door. "He says, "Do not, he is not in there, and there is no use to break that door;" he said, "that is the office where the books are kept." Then they went up stairs, and they tell stories I know nothing about as to finding a woman in his room, &c. I do not know anything of it; he escaped.

Question. Who tells the story about finding the woman in his room?

Answer. The community; it is just what we call hearsay; it is commonly talked and nobody questions it.

Question. What sort of woman?

Answer. Yellow woman; I do not know her; I never saw her to know her. That is unfortunate for the probate judge, to have that talked about him, a bad repute, that he does allow characters of that kind.

By Mr. BUCKLEY:

Question. Who circulated the report? Who started it?

Answer. I cannot tell you. A lawyer asks me frequently, "What is this or that man's character?" I do not know. "What is reputed?" I say he is reputed so and so, but I do not know; it is common hearsay; so it is hearsay in this case.

By Mr. BLAIR:

Question. What is Blackford's character?

Answer. He bears that character—as a man not slow to affiliate with that class of women. That is the character he bears, gentlemen.

Question. Was this woman found in his bed?

Answer. I was told so by more than one citizen, emphatically so, no mistake about it.

Question. Did the gentleman of whom you have spoken, who went with those persons into his room, tell you?

Answer. He said that was the case; he did not say he saw it. Another little circumstance, to show that we have not formed an opinion of Dr. Blackford without good grounds. There was a child born of a young girl, and this child was carried over the river at night—these facts were developed afterward—and put at the door of a gentleman named Hines, with a simple note to take the child, calling him "George." The basket in which the child was left contained clothing, towels, or something, on which was the name of the mother; that opened the way to discovery. This gentleman published a card, stating that if the parties did not return and get this child, he would make a public exposure of it. They went back and got the child. Blackford and this father of the child went back and got the child, and Blackford owned that he did it, but said he did it to befriend the girl. To those who knew, all around him, it did not raise him any. The child soon afterward died.

By the CHAIRMAN:

Question. You say Blackford and the father of the child went?

Answer. Yes, sir; they crossed the river at Milburn Fork.

By Mr. BLAIR:

Question. The father of the girl?

Answer. No, sir; the father of the child.

Question. Who was the father of the child?

Answer. I do not know. Blackford made the girl, or she swore that he was not. He required that—a sort of *quasi* exoneration, I suppose.

Question. Why did he require her to make such an oath?

Answer. I do not know; that is what he did, I understood from reliable persons, and that he attended her in the confinement. It is these acts that have made me form the opinion I have; these and many other things, mere hearsay, though.

Question. Was there any charge that it was his child?

Answer. Well, there was floating rumor, but no charge.

Question. That he did this to exonerate himself?

Answer. Yes, sir.

Question. Was he instrumental in putting the child where it was?

Answer. He carried it there with the father of the girl; they rode together; he went with them; I did not see them; he afterward said so; acknowledged it, and gave his reasons when it was matter of testimony.

By the CHAIRMAN:

Question. Did he acknowledge it to you?

Answer. No, sir.

Question. Did you ever hear him acknowledge it?

Answer. No, sir; but the whole community said that was so, and Blackford has acknowledged it, and given his reasons.

By Mr. BLAIR:

Question. What reason?

Answer. He knew the child would be cared for there, and it was a disgrace which this girl wished to avoid; from sympathy, he said he did it.

By the CHAIRMAN:

Question. Was she a white girl?

Answer. Yes, sir.

Question. Is sexual commerce between white men and colored women so uncommon in Marengo County?

Answer. Hale County, you mean?

Question. I mean Hale County, as to make a person who is detected, odious in the eyes of the community?

Answer. Not in the strict sense of the word "odium," but it is something which is not voluntarily acknowledged.

Question. Is it not extensively practiced?

Answer. I do not know, sir; I only know it does not add anything to a man's reputation to be accused of it; it never did; while it did not condemn him, it did not add anything to his reputation.

Question. Is it not understood to be a common practice among respectable white young men?

Answer. Well, Senator, there is a nice distinction there. It is never recognized by genteel people; it is always thought an insinuation of a demoralized, lewd life. It may be common, and it is a pity if it is so. I believe it is common, and always has been common, the world over, between loose women and men who are not held up or who do not hold themselves up as gentlemen. The world's history is replete with it. I have always said that it was a lamentable thing in our country.

Question. There is a very large portion of the colored race in this part of the country who have a mixture of white blood?

Answer. Decidedly so. It was very demoralizing to the rich young men to have these temptations thrown in the way. As a class, the black or negro population are not, in my opinion, naturally virtuous.

Question. Do you think this vice is practiced as extensively since the war as before?

Answer. I do not know; I expect it is; I do not know; there is that feeling amongst the negro class, the freedom to do as they please, which has relaxed the order of things very much.

By Mr. BUCKLEY:

Question. Has not the family relation established since the war among the colored people had a tendency to throw around their homes a little more chastity or protection?

Answer. It is not realized to much extent. I have talked to them several times on this subject, and told them the importance of it. I said, "You occupy now, in the eye of the law, the same position the white people do; you are amenable to law the same as others." A fellow came to me once to get a marriage license who had just left his wife. I told him, "Do not dare do so; you will be prosecuted for immorality."

Question. Will the law correct that in time?

Answer. It will; but it will be very slow.

By the CHAIRMAN:

Question. Do you think the colored women are naturally profligate, or have they yielded under duress?

Answer. No duress; I think it is under a species of pay.

Question. Do you think the colored women naturally unchaste?

Answer. I cannot use the full word "naturally unchaste," but I say they have a tendency; they have not an appreciation of virtue that white persons have. Long education has doubtless created a keen appreciation of it by the whites; the colored race are weaker, easier led off.

Question. When a colored woman has a bastard child, is it regarded as a stigma upon her by her own race?

Answer. Not at all; negroes have expressed to me the dissatisfaction of confining themselves to one wife, not six months ago. Gentlemen, this is my opinion of the negro race: he lacks the moral appreciation of virtue; he lacks it naturally. Now, I am a friend of the negro, and always have been. I regard him as one of the best of laborers; the best labor in the world for our fields. I tell them so, "I would rather have you than all the white people in the world, if you will just consider your interest as our interest, and work together as friends; and hence, I say, do not take part in politics; let us be friends together; our interests and welfare are one; I will protect you."

By the CHAIRMAN:

Question. When did Judge Blackford come to Alabama?

Answer. I cannot tell you; about 1856 or 1857, I think.

Question. Do you know anything against him before he came here?

Answer. Nothing, only hearsay. A citizen of the town learned of his living in Columbus, Georgia, and leaving under circumstances not favorable; I do not know a word of it myself. When these suspicions attached to him, of being false, this inquiry was made.

Question. You say you know nothing of the circumstances of the raid upon Dr. Blackford—you have heard these circumstances repeatedly stated?

Answer. Repeatedly; I do not know a syllable myself.

Question. Did you understand that the house of Mrs. Nutting, his mother-in-law, where he boarded, and where his daughter was living, was fired upon?

Answer. Yes, sir.

Question. Did you understand that Mrs. Nutting was at home at that time?

Answer. Yes, sir.

Question. Was she a lady of good report, and held in good esteem in the community?

Answer. She is; and let me tell the difference: she is a maker of dresses, called milliner and mantua-maker, I believe. She is a dress-maker—in that position in the community. She deports herself well; no one has aught against her; I received her little grand girl into our Sunday-school—I have been superintendent of the Sunday-school of the Episcopal church for twenty odd years—and the child behaves as well as any other child.

Question. Does the fact of her being a mantua-maker interfere with her social status?

Answer. No, sir, not as far as I know; she is not inclined to visit any; she is always busy. I never heard anything against her. You know some classes make a business of visiting, and other people work and never visit. I do not remember to have seen her visit; she is always busy with the needle; she is a deserving woman, who has done well to support her family. The people employ her, which she deserves.

Question. Was it not a great outrage to violate her house?

Answer. Just as much as if it had been your house. The people condemned it in toto.

Question. Did you understand that this band of disguised men entered her house and ransacked the rooms, hunting for Dr. Blackford?

Answer. I understood they did; one or two went in.

Question. Did you understand that they found part of his clothing, and took possession of it?

Answer. No, sir.

Question. Did you understand that his hat was found and put on a pole, and carried through the streets?

Answer. I understood it was found in his office, where he escaped. I never heard before about the pole. I heard that his hat was found and taken.

Question. How large did you understand that this band of disguised men was?

Answer. Forty or fifty was the common impression.

Question. Where were they reputed to have come from?

Answer. I never heard; it was from a distance, but I never heard.

Question. Were they pursued?

Answer. There was no pursuit that I ever heard of; they passed my house in the county; they were a body of men that people would not pursue.

Question. They stopped there to water their horses?

Answer. We have a well, and one of my boys says they stopped there, but the well is a public well, where almost everybody stops, and has for forty years.

Question. After they visited Greensborough, did they return by your house?

Answer. I understood so.

Question. At what hour?

Answer. About midnight, I suppose.

Question. Did you or any other citizens make an effort to follow the tracks of their horses, and discover where they came from?

Answer. No, sir, it would be impossible in a public road to follow the tracks of horses. I have lost several cows driven out in the yard, that I have never seen. Stock were passing occasionally. Nothing was done really.

Question. Were people living on this highway whose houses they would have to pass?

Answer. Yes, sir; it was thickly settled.

Question. Where would have been the practical difficulty in following close after those men, inquiring from house to house until their stopping-place was reached?

Answer. You mean by the town authorities, for we country people were asleep.

Question. Yes, sir.

Answer. Well, the practical difficulty, in my opinion, would have been that persons attempting it would have been in danger.

Question. If this band consisted of twenty-five, or thirty, or forty, as the case may be, the chances of discovering who they were would be greatly multiplied according to their numbers, would they not?

Answer. Yes, sir; they would be multiplied according to numbers, but, believing that they did not all, or perhaps any two, come from one place, it would have been impossible to have followed, it seems to me, and determine where they went. For instance, one man leaves to the right; you follow the company; another man leaves to the left; it is just a supposition. I think it would be a very difficult matter, because they, of course, would use every possible effort to escape.

Question. You are supposing a part belonged in Hale County?

Answer. I make the supposition; I do not know.

Question. Suppose they all came from Sumter or Greene County, would they not all return in a body?

Answer. Yes, sir; to a certain point. These roads diverge at every half mile, and all perhaps would come around in the same direction.

Question. These men would stop to water and feed their horses?

Answer. They would not stop to feed, I do not suppose, or to water, except at a branch.

Question. The men engaged in these midnight enterprises would have to procure horses?

Answer. They were on horses, I understood.

Question. They would have to procure them if they did not own them?

Answer. I suppose so; I cannot answer these things. I suppose horses would be furnished them—I cannot imagine how.

Question. They would have to procure arms, and disguises, and ammunition, would they not?

Answer. I suppose they would all possess them—have them on hand, just as I would if I was one of them. I have my ammunition for squirrel or deer hunting, and I have a pistol now. I am already possessed of the means.

Question. The material for these disguises would be bought at some store?

Answer. I suppose the material for a disguise could be taken from something in the house. Persons say to me, "Why, Mr. Stickney, disguise could be taken out of anything; it could be made so fine and gauzy that it could be put under my coat." I have asked this question.

Question. They are manufactured?

Answer. No, sir; I do not think they are manufactured at all—just cloth, or thin stuff, put over them. These things have been canvassed by ourselves. We have asked, "How could men get disguises? how can a man take off his disguise without being encumbered with it?" and they say, "Do you not know you could take a roll of green gauze and conceal it under your coat, enough to disguise you, too?"

Question. These disguises about the face and head are said to be gotten up with a good deal of artistic ornament, are they not?

Answer. I have seen masquerade disguises of a simple silk, which I could put in my hat—masks that are used in the cities. What these men wear, I have no idea in the world.

Question. If a prominent citizen of Greensborough had been murdered that night, and a hue and cry had been raised, and the men of the town, earnest in discovering the murderers, had turned out and followed upon the track of those raiders, is it possible that some one of them, at least, should not have been tracked to his home or den and discovered?

Answer. Senator, I would reply—I have thought of that thing before—I would reply this: if persons had gone so far as to commit murder, they would have escaped so rapidly that, in my opinion, the citizens could not have assembled in time—no matter who was killed—to have followed them with success. I believe, too, again, that persons would have been afraid to have followed a body of men, short of a goodly number themselves.

Question. An equal force could have been raised, without difficulty, in Greensborough?

Answer. Yes, sir; but not for some hours; because you find men asleep, and many have no horses, and they are taken by surprise, as naturally they should be. You spoke about a prominent citizen. I attach importance to prominence and position, and believe of two men of like political sentiments, one who was prominent would attract more attention than another by his death. We had a man die at my house the other day—a plain railroad man, found at my gate. I took him in and sent for a physician. He died. Nothing of importance was attached to it. His companions took him away.

Question. I put the case of a man of good esteem, put to death by a band of disguised men, coming from a distance, whose horses are more or less wearied; where is the practical difficulty in a body of men, mounted upon fresh horses, making earnest pursuit, overtaking this band?

Answer. If that body were in readiness, armed and equipped, to start after those men—whose horses were not so much flagged as you think, for they took it moderate, stopping to water, as they did at my house—they might follow and, perhaps, overtake them. But understand me; the pursued is more fleet than the pursuer, always.

Question. Did you understand that they were flying rapidly when they retreated, or going orderly?

Answer. No, sir; I never understood that they were going rapidly. The case you mention is not analogous to this. There was no murder committed.

Question. I will ask your opinion upon the case I put. I am leaving out of view the case of Dr. Blackford entirely. I ask your opinion whether it is possible that some one of the thirty or forty men engaged in such an enterprise should have failed to have been discovered and brought to justice?

Answer. I think this, in a case mentioned as strong as you have named: The sheriff would be expected to summon a posse. That would take some time. Men are not in a moment ready, as if they were called expecting these things, for nobody expected it, as I know of, in the case you mention. I think it would take some time to get ready. Men would not hurry themselves. It is a risk to undertake this, and they would say, "Of course, sheriff, I obey you; but give me time to get ready." I do not think it could be got ready in a very short time.

Question. By a posse, you do not think it practicable to arrest any one of a band of disguised men under ordinary circumstances?

Answer. I think it would be attended with considerable difficulty. It is to their vital interest to escape detection.

Question. Have you ever known, since the first time you have heard of the existence of this Ku-Klux organization, of any arrest made of any of its members, and his prosecution in a court of justice?

Answer. I have never heard of one being arrested.

Question. Are the community palsied with fear, that they dare not attempt their arrest?

Answer. No, sir; they are simply palsied with astonishment. They do not know whence they come or whither they go. The community say, "We deprecate this lawlessness; we would rather things were peaceable."

Question. Do they sit down with apathy and let these things go on, when they come to their knowledge?

Answer. Well, the grand jury acts. To show that there is no apathy, I was on the first grand jury that sat after the burning of a certain house, and we did all in our power to find it out. At the time Orick killed Webb, it was in the evening, when the negroes were, to some extent, at leisure. "Why could they not arrest him?" was the question asked by the white people. They were in numbers. No possible hinderance would have been offered, in my opinion. There was a murder right in day-light.

Question. Was Orick pursued?

Answer. The sheriff did all he could with the little posse he got up.

Question. Did he follow him?

Answer. He did not know where to look. Orick fled.

By Mr. BUCKLEY:

Question. Did the negroes pursue?

Answer. We have asked the negroes, "Why did you not catch him?"

By the CHAIRMAN:

Question. Where a horse is stolen in your county, the owner and his friends make diligent pursuit of the thief, and endeavor to arrest him?

Answer. It depends on circumstances. When we get the track, we do. But stolen property is frequently not found.

Question. A horse-thief is frequently overtaken and brought to justice?

Answer. He is overtaken sometimes, but frequently not. My brother lost a horse not long ago, and never could get any clue. I have lost several cattle.

Question. There is earnest effort, though?

Answer. There is no particular earnestness shown, more than the man advertises and inquires about with all earnestness, as far as that is concerned; but I do not know any particular demonstration or effort. He does not know where to go.

Question. There is riding to and fro on the different roads, is there not?

Answer. To some extent. There is a messenger sent. I met a boy yesterday morning looking for a mule. He asked, "Have you seen a stray mule?" No more than that; that did not excite particular attention.

Question. You say this same band of disguised men that made the raid on Mrs. Nutting, on that same night released, in the town of Greensborough, one McGrary from jail?

Answer. That is what I understood and believe.

Question. How large a town is Greensborough; what is its population?

Answer. Since the extension of the limits of the town, I suppose it to be two thousand; all included, fifteen hundred to two thousand.

Question. About what hour of the night did you understand McGrary's release was effected?

Answer. About 11 or 12 o'clock.

Question. Before or after the raid upon Dr. Blackford?

Answer. It was the same night.

Question. But was it before or after the raid upon Blackford?

Answer. Well, sir, I do not know; I have known, but I do not remember.

Question. Did you understand that the jailor made decent resistance?

Answer. I understood that he could not make any resistance; he was just taken possession of, and commanded to go. There was no need of resistance, and no use in resistance.

Question. That part of the town is populous, is it not?

Answer. It is right in the midst of the town where the calaboose was.

Question. Did the jailor make any outcry?

Answer. I do not know.

Question. If he did, you never heard of it?

Answer. I never heard of it.

Question. There would have been no difficulty in his being heard, if he had made outcries?

Answer. He could have been heard by the immediate neighbors, if they awoke. It was at the dead hour of the night.

Question. Was any effort made to pursue McGrary?

Answer. No, sir; not that I ever heard. He disappeared immediately from the community; it was so understood. I will mention in this connection that there was an effort made to rescue this man, McDonald.

Question. I will come to his case directly. You say McGrary was said to be falsely imprisoned?

Answer. Whether falsely or not, some thought he was unjustly imprisoned.

Question. Upon what charge?

Answer. Horse-stealing, I think.

Question. Was it said he had stolen the horse of a negro?

Answer. It was said that he had been accused of some deed; that he expected to take one horse, but was mistaken in the horse, and got the wrong horse, and for that wrong horse he was pursued and taken.

Question. Did the horse belong to a negro?

Answer. No, sir; I heard the horse belonged to a white man.

Question. He was imprisoned upon a complaint or charge preferred by a negro?

Answer. I think there was something of that kind. I think a negro had something to do with it; the negro made the charge, and he was arrested by our authorities—by the sheriff. I believe I did hear something of that.

Question. Was his release regarded by the citizens as a great outrage?

Answer. Well, sir, it was just regarded as one of those acts of outlawry, or lawlessness, which we condemn.

Question. Had such a thing ever before occurred in Greensborough, that a body of armed men, in the night-time, and disguised, had surrounded the jail, and released a prisoner, after taking possession of the jailor?

Answer. No, sir.

Question. Did it excite great commotion?

Answer. There was great talk of the two things together.

Question. I am speaking of the two things together.

Answer. It was always mentioned as one act of the Ku-Klux.

Question. Was that, too, condemned?

Answer. Both acts were condemned, and, as I told you, a meeting was contemplated.

Question. Did you hear the act commended by any one?

Answer. No, sir.

Question. You say the impression was that he was falsely charged?

Answer. While it was not commended, I do not know that it attracted a great deal of attention.

Question. Was not his flight regarded as evidence that he was guilty?

Answer. I suppose it was; that he was guilty, or feared he might be punished.

Question. Had the fact that he was imprisoned on a charge by a negro anything to do with the other fact that no earnest effort was made there for his recapture, or to bring the raiders to justice?

Answer. I never heard it mentioned at all, that the fact of his being imprisoned at the instance of a negro had aught to do with it.

Question. You say you do not think these raiders meant any harm to Dr. Blackford, except to scare him?

Answer. I have always thought so.

Question. Did you think the firing into the house of this lady, where he was supposed to be, was evidence that they intended no harm to him?

Answer. I think that was accidental.

Question. What is your reason for thinking so?

Answer. Merely because I do not know that any one had any animosity toward Mrs. Nutting, a widow lady. I would call it an inhuman act, and I do not believe a person even in disguise would have done such an act. I think it was accidental.

Question. If they were bent on the murder of Dr. Blackford, you would not have regarded it as intentional?

Answer. There was no firing where he was found—where he was known to be.

Question. Did you not understand that a ball entered the room where his little daughter was sleeping?

Answer. I heard so.

Question. Did you understand that it passed near her bed?

Answer. I did.

Question. You still think that was an accidental shot?

Answer. I do, sir.

Question. Your only reason for that is, you do not think any one could have been so inhuman as to have fired a pistol into the room?

Answer. Well, Senator, here is a house with ladies and children in it; the chances to hit Blackford were as one to six, or eight, or five. I cannot believe that any person who designed any bodily harm to Blackford would have shot indiscriminately into a house.

Question. Do you think a band of men capable of such outrages as they committed that night, would have been particularly careful what they did with their pistols and guns?

Answer. I think a band of men, such as they have been described, had been drinking.

Question. Do you think then they would have been particularly careful about the use of their arms?

Answer. In any particular, do you mean? I believe in such cases men are careless.

Question. Do you mean that they were a body of reckless, desperate men?

Answer. No, sir; I think there were some drunken men amongst them.

Question. Do you think that band was composed in part or whole of respectable men?

Answer. I have no idea; I think they must have been young men, in part.

Question. Reckless, abandoned young men?

Answer. No, sir; I do not think so; I think they would pass in the community as the young men of the country. In the counties above us there are a great many young white men. The population there is much larger of white than black, and they may have come over for aught I know.

Question. I would be glad to know your specific reasons for thinking that this band was composed of decent young men.

Answer. For this reason: I have heard of the Ku-Klux a long time, and I have never heard of their being guilty of any brutal outrage.

Question. What is the character of the violence that has been imputed to them?

Answer. I have heard where in one case a negro was notorious for depredations on the stock; he was visited and moderately whipped.

Question. Moderately; you did not regard that as an act of brutality?

Answer. In that case we should not. A negro in our town now advocates a whipping-post. Then this gentleman, Mr. Chapman, on whose land it was, condemned this act, and he was visited by these men.

Question. Are not mistakes liable to be committed where the law is thus taken into their hands by unauthorized men?

Answer. Yes, sir; we condemn it.

Question. You would regard it an act of great brutality to visit an innocent man?

Answer. I would not call it an act of great brutality; it would be wrong.

Question. If you were the subject, you would regard it as an act of great brutality?

Answer. What is a great brutality?

Question. The taking of a man out of his house in the night-time, when he is unprotected and defenseless, and subjecting him to a disgraceful whipping.

Answer. As to brutality, where the law has recognized the whipping-post, I do not think in the eye of the law it is a brutal act. I would say in the case of a man reputed innocent, it would be a great outrage.

Question. Was the whipping-post ever established as a legal mode of correction where white men are concerned?

Answer. Has it not been in different States of the Union?

Question. I am asking if it was ever the law in Alabama, that white men could be whipped at the whipping-post?

Answer. I do not know of a case, but I have heard of it being the case in Carolina. I have heard North Carolinians say so.

Question. But in Alabama?

Answer. Not that I know of. I never knew a case of a negro being whipped in Alabama, at the whipping-post. I have heard of a case many years ago for stealing.

Question. Do you think that institution could be revived?

Answer. This negro asked me if it was not better than to have a man lying in jail five or six months. I told him I thought it would be better.

Question. Did you then say you thought it best?

Answer. It was his own proposition. As to these so-called Ku-Klux, or whatever you call these disguised men, I never have believed yet that they would commit an act of brutality, except under the influence of liquor; for this reason the better negroes, as I told you, General Blair, do not dread them; our better order of negroes do not dread them; they say it makes the bad ones better—makes them behave.

Question. You do not think they would commit an act of brutality unless under the influence of liquor?

Answer. No, sir.

Question. Do you think they start on their raids under the influence of liquor?

Answer. No, sir; not necessarily.

Question. They must have had a purpose when they organized to start on any particular errand?

Answer. Yes, sir.

Question. That purpose was one of violence, was it not?

Answer. It depends on circumstances. I do not know hardly what I must understand you to mean by violence. If you mean that to do an act outside of law is violence, I believe they did.

Question. I mean the violation of a man's person by whipping, or other outrage.

Answer. This has been my understanding of this organization, if there is such a body of people: Wherever the law fails to correct evils in the land, they constitute themselves a body, and do what the law fails to do. That has been my private opinion, and was expressed to my neighbors very frequently; for I never heard of any outrage where there was no cause. I never heard of such a one. They visited, as I told General Blair, one of my neighbors ten miles off; they did nothing except to warn him. They said: "When we are attempting to correct evils, do not you interfere with us."

Question. Do not your courts punish such offenses as the Ku-Klux are reported to punish?

Answer. They do. The judge of the court has charged the grand juries specially about such outrages, unlawfulness.

Question. Your laws, I understand you to say, are efficiently executed?

Answer. I think so.

Question. Is there any necessity, then, for a lawless body of men to punish offenses when your courts are open, and adequate to punish them?

Answer. Recently there has been no occasion, not for many months.

Question. Was there ever a time when there was an occasion for it?

Answer. Yes, sir, I think so; I do not know; I will recall that. There are times when these men here among us do harm; we call it improper, and, perhaps, unlawful. I can mention the case where these men have interfered with our business, and, while we did not commend the act, we say we do not believe these people meant more than to correct that evil. Gangs of negroes have asked me, "Do you believe the Ku-Klux are men?" I have said, "O, yes; they are men, as far as I know."

Question. These men, when they take the law into their own hands, are just as likely to punish the innocent as the guilty, are they not?

Answer. I do not think they attempt a thing of this kind, as far as I have known, without there being a good cause for their acts.

Question. You have never heard of their making a mistake?

Answer. I have never heard of their taking a man reputed innocent, that behaved himself; I have never heard of a case—not one.

Question. You have heard, I suppose, of the different acts of violence which these Ku-Klux have committed, and know what is the character of the crimes they commit, do you not?

Answer. I have read in the papers of many of these things in different sections of the country.

Question. You have heard of murders committed by them?

Answer. Yes, sir, by people called Ku-Klux.

Question. You have heard of whippings, have you not?

Answer. Yes, sir; I have read of these things in different sections—not about here. I have never heard of but two cases within my knowledge, as hearsay.

Question. You say when this affair occurred in Greensborough, upon the night in question, that a meeting was held in a lawyer's office, and resolutions drawn?

Answer. No, sir; I did not say a meeting was held. We were in a lawyer's office—several of us—and a resolution was drawn, and the most discreet men remarked, "That will do no good; on the contrary, it will array these people, whoever they are, against us as citizens, without any possibility of doing them any good. They know we are opposed to them; they know we condemn it; why should we attempt something we cannot do? A thief knows we condemn him, and my simply proclaiming it does no good."

Question. Do you not think the good, law-abiding men in your community are greatly in the majority?

Answer. I do, decidedly; I know it.

Question. Do you not think, if they combined together in earnest effort, they could easily bring these lawless men to justice?

Answer. We have tried it in a lawful way, to find it out through the grand jury. I know the grand jury before the last did; we sent for witnesses in every direction, that we supposed knew anything at all; they came and they swore they could tell us nothing. I do not know any body of men better calculated to ferret out evil than the grand jury; and they are authorized to. I am satisfied we made a diligent search; our foreman was an earnest man. The fact of the better order of the negroes, in their simplicity, laughing about them, and saying they are not going to hurt anybody that does right, has created in my mind a feeling that they will cease when people begin to appreciate this.

Question. Is there, or has there been, a sentiment of fear in the community in attempting to grapple with this invisible body of men who make these visits?

Answer. They have not excited in our minds any special fear, because I think the quiet, law-abiding people do not give them more than a passing notice. We have had among us nothing but these two acts.

Question. I understood you to say Mr. Chapman made some remarks on the occasion you referred to; you spoke of the circumstance that he had condemned the Ku-Klux in pretty round terms, and they visited him for that cause and called him out?

Answer. He expressed a wish to know who they were, and that he would give something to know; he condemned them, of course, and they visited him—no violence—but visited him.

Question. What was the object of that visit?

Answer. I do not know; he did not know; I talked with him at length.

Question. What did they say?

Answer. They simply charged him with what they had heard he had said, and he denied saying it.

Question. Did he understand it to be an intimation from them that he must hold his tongue?

Answer. I suppose so; they say that they meant nothing but right, and did not wish any interference.

Question. Did they inspire him with terror?

Answer. He did not feel comfortable under it, I reckon—a body of men visiting his house at night in that way; he did not express any great terror.

Question. I understood you to say that these visits of the Ku-Klux were not without a compensative benefit; that those visits had had a good effect?

Answer. I have questioned negroes living off to themselves, if they have had any apprehensions of the Ku-Klux; did they not consider that the crime of thieving was less frequent on their stocks, and they said they did, and that they had no fear of them.

Question. This, I understand you, is regarded as one of the purposes of this secret organization—to punish thieves?

Answer. It is to punish misdemeanors and outlawry. My idea is, it is a sort of an offshoot of natural necessity; that it springs from a cause. These things have been ever since the world begun.

Question. What do you mean the committee to understand, when you say that these Ku-Klux have produced a healthful feeling?

Answer. I mean to say that there is less of these outrages—house-burning—which was common a year ago; less of theft, which I have been told is less committed. I say this may be the result of these visitations; I do not know.

Question. And that you call a healthful feeling?

Answer. I say when there is no violation of law, we are in a healthful condition; I only express the opinion. That is why the better people have no fears of them; I mean the law-abiding people, white or black.

Question. Do you think, then, that the disguised men accomplish what the courts are inadequate to accomplish—the correction of misdemeanors?

Answer. I think this: there are many misdemeanors and short-comings which cannot be reached by the law; it is impossible. A man is taken to court and escapes by one way or another, and I think there is less terror in consequence of the facility of escape from the law.

Question. Do you think, then, that the Ku-Klux organization, if that be the name——

Answer. I do not believe in an organization. I do not think there is. I think that this so-called Ku-Klux organization, by the very name, has the effect as a terror to evil-doers.

Question. Do you think that these bodies of men, no matter by what name they are called, act upon a less degree of evidence in the punishments which they inflict, than the courts would act upon?

Answer. The courts have so much rebutting testimony and such rules of evidence, and so often, for the want of connecting testimony, fail to accomplish the end which the law designs. This is just an opinion; and there are so many petty offenses in the land, that this thing, perhaps, has the effect to prevent the commission of offenses that the law does not punish. In other words, if you are said to be guilty of so and so, and your house is visited by half a dozen men in the day, you must amend your ways; there would be a terror on a person under such circumstances.

Question. Do you think Judge Lynch is less liable to make mistakes than the ordinary courts of the land.

Answer. I do not approve of Judge Lynch's court in any particular. I do not approve of any of these visits of these unlawful men.

Question. My question is, whether you think Judge Lynch's court less liable to mistakes than the courts of law.

Answer. I do not believe it is less liable to mistakes; but I believe that it very frequently produced a terror to evil-doers in not commending his courts. Such has been the case ever since the world begun.

Question. Then, if I understand you aright, these visitations and punishments so inflicted, are made in cases where the convictions could not be produced in courts of law, where the evidence would be insufficient?

Answer. I would express myself in this way: I believe there are many violations of law which cannot be reached by law, by reason of secrecy and by reason of insufficiency of evidence; we see it fail in our courts. I have more than once seen where, in my opinion, the want of evidence let off the guilty persons.

Question. Why should not that same want of evidence relieve a man from punishment by these lynchers?

Answer. Lawful evidence, I mean, which is often technical. I will explain. I saw a case tried in our courts where the failure to prove the value of the cow stolen acquitted the party.

Question. To sum the whole matter up, you think justice would be dealt out with more certainty by a band of disguised men than by a court?

Answer. O, no, sir; I only spoke of these men in aid of the law; they are aiding the law; I do not say, either, that they are aiding the law exactly, but they have produced in our country a terror to evil-doers. That is my opinion; because people doing right express no fears of them.

Question. Do they not produce a terror among peaceable men—Mr. Chapman, for instance?

Answer. Well, for the time; he is an imprudent talking man; talks a good deal; and terror did not make him leave his house.

Question. Do you not think white men of strong republican proclivities labor under some apprehension?

Answer. Not the least for their politics. We have republicans among us just as quiet as can be; planting men among the hills above there.

Question. How do you know they feel no apprehension, when such examples of violence occur as the cases of Dr. Blackford, Dr. Jones, and Mr. Drake?

Answer. They have never expressed any, when I have talked with them. I do not know any of those cases last mentioned.

By Mr. BLAIR:

Question. Those are not very quiet, peaceable men, are they?

Answer. I never heard of Drake before, but Jones I do not think is a peaceable man. I do not think there is any terror to a peaceable, law-abiding man; I never have believed it in any particular.

By the CHAIRMAN:

Question. Do you think republicans may publicly advocate their sentiments, and endeavor to promote the success of the republican party by all legitimate means, without drawing any odium whatever on the part of the community?

Answer. I do, sir, believe it candidly, by all fair, honest, legitimate means. It is only the illegitimate, the improper, underhand means that are condemned.

Question. There might be some difficulty in determining what you consider fair means?

Answer. I would say, if these poor, ignorant negroes were forced to go to meetings and listen to talk under duress, I would say to them, "Stay in the field to work; we are trying to make a living; there is no need to go to it." They answer, "Well, we are compelled to go." They have told me that time and again. I say, "I do not go to political meetings only when I choose, nor need you." They would say, "I am compelled to go." I have had my fodder pulled down on the field Saturday, and left there by their going away under that threat. They would say, "We are obliged to go, or we will be punished severely." There is much more fear of punishment among the negroes from the party, if they told the truth, than from us. I give you my word for that; I cannot get it out of their minds.

Question. You say a gin-house was burned ten miles above you, and it was supposed to have been done by disguised men?

Answer. No, sir; supposed to have been done by a negro—believed to be. That negro was arrested.

Question. And this negro was afterward killed?

Answer. Yes, sir; he was taken, I understood, from the officers of the law.

Question. Was there certain proof that he was guilty, or was he killed upon mere suspicion?

Answer. It was upon that kind of solid belief, I understood.

Question. How large a body of men did you understand was concerned in his murder?

Answer. I do not know. A body of men was said to have done it. I heard it incidentally.

Question. When did that occur?

Answer. I do not know when the burning occurred; he was shot about March.

By Mr. BLAIR:

Question. Did you hear the other day that there were numbers of men, when Chicago was burning, caught stealing from the burning houses, and killed?

Answer. Yes, sir; shot right in the act or hung—so the papers said.

Question. Have you ever heard of anybody being punished for it?

Answer. No, sir, and no effort made; on the contrary.

Question. Was not General Sheridan highly applauded for his activity in hanging those people?

Answer. Yes, sir, so it was said. This negro was believed to be guilty by everybody here, they say.

By the CHAIRMAN:

Question. Would there have been any difficulty in convicting him, if he was guilty of burning this gin-house?

Answer. I do not know, sir. A lawyer is bound to do the best he can for his client, and that doing has no sort of limit, to my mind; I often think the guilty escape.

Question. Do you not think the lawyers should be visited by these lynchers, if they are party to the acquittal of guilty men?

Answer. I would not say anybody in particular should be visited. I say if anybody did wrong, something should catch them, something should be done; because I believe, in the state of things since the war, some stimulant should be produced.

Question. Nobody was ever punished or even arrested for the murder of this negro man?

Answer. No arrest; I never heard of any punishment. We inquired into it diligently in the grand jury, and could get no clue to it. The officers said, "We had him in custody, and the men in disguise forced him from us."

Question. Was Green's cabin said to have been burned by disguised men?

Answer. I do not think any person was seen in the act of burning it, from his account. It was a dark night. The dog was heard to bark, and the house was seen on fire; nobody was seen. The rumor was that he did it—or that the negroes did it. There was no knowing. It was just a little shanty.

Question. Have you mentioned all the instances which have come to your knowledge of outrages committed by men in disguise?

Answer. All that I now recollect.

Question. Did you ever hear of a body of men in disguise going to release McDonald from the calaboose?

Answer. Yes, sir.

Question. Did that occur this year?

Answer. Yes, sir, it occurred a month or two ago—two, perhaps.

Question. Did you hear of a body of men in disguise passing through Greensborough toward Marion, and attempting to release and punish a negro confined in the Marion jail?

Answer. I think I did hear of that, but I have no special recollection. Some two years ago there was a body of men attempted to rescue a negro—it escaped my memory till that moment—who had committed murder, and they were defeated in Greensborough.

Question. Did you ever hear of two negroes being found dead near Pinhook in August last?

Answer. I do not remember it; I do not think I heard of it.

By Mr. BUCKLEY:

Question. At what time did I understand you to say this raid was made upon Judge Blackford?

Answer. In the early part of this year, I think. I am not good at dates.

Question. Some time in January, perhaps?

Answer. I think so. Everything here has been done this year, I think.

Question. The burning of the stables was subsequent to that?

Answer. Yes, sir; the very next night, or two nights afterward.

Question. Have you a paper published in Greensborough?

Answer. Yes, sir.

Question. What is the name of that paper?

Answer. The Alabama Beacon.

Question. Is it democratic in politics?

Answer. Very moderate; very conservative.

Question. Are you acquainted with the editor?

Answer. Very well.

Question. Is he a man of high standing?

Answer. As high standing, as a conservative and gentleman, as any one in the community.

Question. Has he been for a long time editor?

Answer. A long time editor, and is moderate in his views.

Question. I have an extract from his paper which I would like to read—a portion of it at least—and ask if you concur with him in his statement. Do you recollect to have seen in his paper an editorial article subsequent to the difficulties in Greensborough, entitled "Lawlessness?"

Answer. I think I do, sir. I think I remember the caption; I read his paper very hastily, generally.

Question. The editor says in that article, "There is a spirit of lawlessness abroad in our land which is fearful to contemplate. No man who reads the papers can be ignorant of the fact. It is widespread, and on the increase. In many communities, and especially this community, those in which the vice of intemperance prevails, men are to be found who appear to attach no more importance to human life than does a butcher to the life of a bullock." Was that true of the community about there, at that time?

Answer. I can appreciate that, knowing the man, better than you can. There has been a spirit of lawlessness since the war. It is a sort of want of morality in the land; that does not convey to my mind the meaning it does to yours.

Question. I will read further:

"Men sustaining toward each other the relation of friends—nay, even that of blood relation—meet at a drinking establishment, take a few glasses of mean whisky, which inflames their passions; they quarrel—probably about a most insignificant matter—draw their pistols, and commence a murderous assault upon each other. One is prob-

ably killed and the other wounded. Although the matter may become the subject of legal investigation, ingenious counsel will devise some plan—that of packing a jury if no better one suggests itself—by which the guilty party will escape punishment. So difficult is it to have a man convicted of murder, especially if he can command the means of paying his counsel a large fee, that crime has become, in many sections of our land, fearfully common. The strong probability of escape greatly increases the catalogue of crimes, and especially of murders.

"Since the war between the States, the spirit of lawlessness has been much greater, especially in the South, than was ever known before. Not only have personal difficulties, resulting frequently in death to one or more persons, become frightfully common, but, in some localities, secret organizations have been gotten up, whose mission it is to punish those who are looked upon by those self-constituted judges and jurors as bad men; to screen from justice those who are looked upon as innocent of the charges preferred against them. Carrying out these purposes, men in legal custody, who may have been tried by the laws of the land, found guilty, and sentenced to undergo a certain amount of punishment in expiation of their crimes, are, at the dead hour of night, released by a band of men, armed and disguised, and turned loose upon society to commit other crimes as occasion offers. Such cases are by no means rare."

Answer. Well, knowing the gentleman, I can perhaps analyze and appreciate that better than you.

Question. I appreciated it so much that I attempted to pay him a compliment on the floor of the House for his law-abiding spirit.

Answer. That refers to the lawless acts and spirit that we all condemned. You would suppose we were in terror, but our people, white and black, who have been friendly to law and order, do not realize that. But suppose here is a deed committed in town; young men get into a fight, one is shot, &c. That is just confined to the parties, and it is condemned by the community. Mr. Harvey has spoken of it in the terms he does, very truthfully, too.

Question. You think at that particular time there was more alarm and fear?

Answer. Yes, sir; and he writes under that impulse. Mr. Harvey is a very gentlemanly, law-abiding man, a detester of wrong—very conservative.

Question. Has not his paper had a good influence in the community?

Answer. It has had a good influence. All good has a good influence.

Question. Do you not think he took the correct way to denounce these things?

Answer. I think he did. We agreed with him. I talk with him every time I go to town.

Question. I will invite your attention to another paragraph. The editor says:

"So great is this spirit of lawlessness in many sections of the country that there is very little protection afforded to the rights of persons or property. An apprehension of bringing upon themselves the vengeance of these lawless bands prevents good citizens from making an effort to arrest evils which are telling fearfully on the best interests of society."

Do you know whether your best citizens there were for a time apprehensive?

Answer. No, sir; I think he is extravagant. I think he writes, as many of us do, under the spur of the moment, and he has told the truth; but a qualification would moderate things very much. Now, I live in the same community as Mr. Harvey, and I would have expressed that with less force than he has done. I would have confined it more to individuals.

Question. You think at the time he was a little stung by events?

Answer. Yes, sir; nothing stings him more than a drunken, aggressive man, and he becomes extravagant, as any one would. But there is no better citizen than he is.

Question. The editor mentions a remedy:

"But it strikes us that the time has arrived, in this section at least, when it becomes the duty of all who have the good of the country at heart to aid, and to the full extent of their influence, in suppressing lawless organizations and in securing the enforcement of the laws."

Had the editor reason to suppose at that time that lawless organizations existed in Hale or the adjoining counties?

Answer. He would have had as much reference to Loyal Leagues there as to this other thing—the Ku-Klux.

Question. Did they ever commit lawless acts?

Answer. Lawless acts of assembling at night and concocting plans, and all in secret, &c. That is our opinion—that it was producing no good; on the contrary, harm.

Question. He speaks of the remedy, and says:

"And one of the first steps to be taken to accomplish this most desirable result is to bring about a sound public opinion. How, it may be asked, is that to be done? Each and every man in a community has more or less of influence. Let every one who realizes the need of a change in public opinion on the subject in hand make it his business—as it certainly is his duty—to speak out in condemnation of evils which are working so much detriment to the best interests of society."

I desire to invite your attention to the course of the press of the State which is spoken of:

"In this work (bringing about correct public sentiment) the press can do much; but, judging of the future by the past, we are not hopeful as to unanimity of action or views in that quarter. For to the teachings of some of the newspaper fraternity are the public greatly indebted for the evils upon which we are animadverting. So grossly personal and abusive have many of them been in their political discussions, that a portion of their readers have come to look upon it as not only crime, but a patriotic duty, to do personal violence to those that render themselves obnoxious by their political opinions."

Answer. Well, Mr. Harvey is writing under a pressure there, and there is a great deal in that that is figurative. I know it to be common with men, under a certain impulse or surrounding, to go to an extreme, meaning good. We are all confident that things have been irregular, and, in many respects, not as we would have them since the war; but, so far as our community is concerned, we are a law-abiding people. Our people only wish good to prevail. Why, it is a selfish motive with us.

Question. The editor here says:

"This is wrong. All men, without reference to race or color, have certain political rights guaranteed to them in this country by laws of the land. In the peaceful exercise of those rights they should not be molested."

Answer. We agree there.

Question. He intimates that there may be some molestation?

Answer. As to the molestation, I will state this as a fact coming to my personal observation through friends in whom I have implicit confidence: A certain negro named Bob Drake—I am glad you mentioned that—voted the Democratic ticket, and there was a threat circulated that they would mob him. Some of our people went and protected him; they went to Blackford and said, "If Drake is hurt, we will hold you responsible; you must allay this feeling."

Question. Are such instances common?

Answer. No, sir; not common, but there is a circumstance, or an instance, of a political opinion the other way, as to voting, &c. Our people say to the blacks, "Vote; do it all properly; it is this disturbance we deprecate."

The editor of the Greensborough Beacon proceeds:

"But if they are guilty of violating the laws, either by acts or incendiary speeches, let them be tried and punished by the laws. The young men of the country, especially those who, by their ability or education, social and religious advantages, are capable of exerting a salutary influence on those with whom they come in contact, can do much in the laudable work of securing the enforcement of the laws."

The editor seems to complain that the laws are not enforced all the way through this article, and that organizations of men have taken the law into their own hands; and here he goes on still further, and says:

"And to them we especially appeal. If necessary, let them organize companies to repel the raids of lawless bands, and to aid the civil officers in arresting violators of the laws. In short, we earnestly appeal to all good citizens to aid in this most important work. *In its success the planting interest—the great interest of the country—is most vitally concerned.*"

Answer. The law has been administered in our country by the republican party. I do not know any case where there has been resistance to that law—open resistance.

Question. Whatever lawlessness has existed has come from these bands of men who ride in and flee?

Answer. Yes, sir; that is the chief thing. Speaking of voting, I know of no negro republican who was threatened as much as this negro for voting opposite to the wishes of his friends.

Question. At the particular time of this article, you think Mr. Harvey had some justification for writing as he did; this occurred subsequent to the difficulty you have mentioned?

Answer. I will qualify by saying this: when anything unusual occurs there is a great deal of feeling, and Mr. Harvey is susceptible of feeling—appreciating feeling, anything of that kind—and he writes there with more feeling and emphasis than any occasion has really required within my knowledge; but not without a cause. There has been a cause; and that spirit—not spirit, but propensity to exaggerate—is peculiar to men, growing a great deal out of the fact that we wish with as much emphasis as possible to express our opinion. We do not blame him for it. We say, as far as we agree with him, we wish it may be so. We have had peace and quiet for months now, and, if people would let us follow our avocations, we would have no trouble. We will have a contest soon, Mr. Buckley, and I have no idea there will be the least resistance to any man voting. Well, I do not say *we*, for I do not take part in politics; I do not vote except to vote a full, straight-out ticket for the men I like best.

By the CHAIRMAN:

Question. Do you say the laws are generally efficiently executed in Hale County?

Answer. They are at this time.

Question. For how long have they been so?

Answer. As far as any resistance was concerned, for a long time.

Question. So that, in your opinion, there is no necessity or cause for lawless men taking the law in their own hands?

Answer. Not now; not the least; nor do I believe there was any justification. I would not justify them for what they have done. But I say there was some cause, growing out of these irritations, which men felt. The irritation to me was not great, except in the cases I have mentioned, where I would say to my neighbor, who interfered with me, "I wish you would let me alone." I did not care who he was.

DEMOPOLIS, ALABAMA, *October* 28, 1871.

MALCOLM HECTOR McNEILL sworn and examined.

The CHAIRMAN. This witness having been called by the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Please to state your residence.

Answer. Shiloh, Marengo County, Alabama. I live within four miles of Shiloh.

Question. Were you present on a recent occasion when there was a disturbance at Linden, at the speaking of Mr. Jones?

Answer. Yes, sir.

Question. Will you state the circumstances on that occasion which immediately preceded the disturbance?

Answer. In the morning, when I got there, directly after, Mr. Jones came into the town with a flag, and with some negroes with him, and just before he got to the hotel. He got out, and a negro planted the flag near the middle of the street; a negro took his horse and he went from there to the hotel. Before I saw him, though, Mr. Ashby Woolf came to me, and says to me, "Mack, I am afraid that man is coming here to have a fuss; here are a great many negroes with guns; you must help me to keep down any fuss, and let him speak and go off; I think he has come for a fuss."

By the CHAIRMAN:

Question. The sheriff told you that?

Answer. No, sir; Mr. Ashby Woolf.

Question. A lawyer?

Answer. Yes, sir. I told him I would do all I could to stop it; I did not reckon anybody wanted a fuss. Then Jones came out and walked up past me, and shook hands with me. The next I saw of him he was going from the court-house to the hotel, with Mr. Drake. After a while I saw him go to the court-house, and to the portico to make a speech: and Mr. Woolf then said to me, "Whatever they do, we must have peace, and we want you to assist now; let us have no disturbance; he has come, I think, from the guns these negroes have brought, to have a fuss, and nobody is prepared here at all for a fuss, and we don't want any fuss." I told him I though so myself, and would do all I could to help him. Jones went up there and commenced speaking, and spoke on some half an hour, I suppose; I reckon about that. He said—I do not know that I can tell you it exactly—that there were some people in the county wanted negroes' votes more than he did, or something to that effect. I understood him to say he had thirty applications to run on his ticket. I was a candidate for tax-collector of the county; they were trying to run it on me, that I was siding with Jones anyway. I was sitting with Dr. Riddle on the other side of the street, and I said, "I'll make him explain;" and walked over, and said, "Doctor, I wish you to say who those men were who wanted to run on your ticket." He says, "Mack, you didn't understand me; I did not say that; I said that you all tried in the primary election that day—you all tried to get every negro vote you could in the primary election." I says, "Yes, I did that, but I understood you to say that some one had made application to run on your ticket, and I wanted you to understand that I was not one of them, and to say so." "No," says he, "you didn't." I told him, "Yes, sir, I did that; and I think every negro who voted for me will do it again, and many more." He says, "I don't think so." Says I, "Doctor, I think I am bound to be elected, anyhow." It passed off soon, and I turned around. The negroes made a great fuss about it—laughed. I didn't understand them. As I went off, he said to them, "Gentlemen, I did write a letter to Mr. McNeill, asking him to come and see me, and he wrote me he was sick, and was not able to come, or something to that amount." I turned around and said, "Yes, that is so." He spoke on

for some time; and some persons went up and asked him some questions, which has always been done in elections, in canvassing the county, before the war and since, and probably some said pretty hard things; I do not remember what they did say. Finally he said that he would quit; he would not speak if he could not be let alone, and speak without being disturbed, and that he would not speak any more. I told him, "Go on doctor, speak until night if you want to." I reckon twenty or thirty told him to speak as long as he wanted to. About this time, a negro came to me and told me he wanted to speak some remarks. Now, he says, Massa Mack, I see forty or fifty negroes here with guns; who has brought them here? nobody but Mr. Jones, and they don't know what they are doing, and the first thing the white folks will kill all of them, and I would like to have the privilege of getting up there and telling them their danger." He was a tolerably smart old negro. I told him, "Buck, you have the right; you are twenty-one years old; you have as much right as anybody"—no, not Buck, but McGlue it was. He went and got on the platform with Jones, and I saw him stop speaking; I thought he had quit; this was ten minutes after he said he would quit. After they were all done and gone, he spoke a few minutes more. I walked over to where he was, or near there, and says, "Doctor, are you through?" I wanted to start this negro. He did not answer me, but kept looking around the crowd for maybe a half a minute or more, and at last straightened himself up and took his breastpin off and his watch, and handed them to young Giles, the deputy sheriff, and took out his pocket-book and handed it to him, and said something, I do not know what; I understood he said to give them to his wife; and, says he, "I am going down to fight this thing out; I am not going to be disturbed in my speech;" and reached back and picked up an umbrella, and pulled out of it a good long pistol, and started down the steps, hallooing out as he started to "Ring out," or "Square out." As he said that, the negroes who had the guns mostly got on the left-hand side, and held them in this position [illustrating present arms.] I never had a pistol in my pocket in my life, I believe. I turned back and looked, and Mr. Morgan, that had been asking him some questions, was standing by himself. I turned around and said, "Dan, I will stay here with you and help you." I turned round to the negroes and said, "You put those guns down, or I will have every one of you murdered," or something of the kind. I walked up to one of them, and four or five of them, I think, threw their guns down, and they said if I did not turn this man's gun loose, I would be blown to pieces. I stepped back and met Mr. Jones, with a good many pistols around him, and they were telling him "You have come down to fight; God damn you, fight, fight! fight! And they abused him right smart; and as he got to where I was, he said, "For God's sake, save me, Mack." I got between him and these men that had the pistols, and I took his pistol. They said, "He has pistols in his pocket;" and he says, "Get me away," and I took him by the arm. Just as we started a pistol went off—accidentally, I heard. I thought it was shot by a negro, but it was a pistol shot accidentally; it hit a white man, but did not hurt him. They carried him into the court-house; there is an alley goes each way. We turned first to the probate office, and it was fastened up; and I told him, "Let us go here," and we went to the registry door, and as we got to it he gave it a kick and broke it open. It seems the lock had broken; it had been nailed up with a board inside. As we went in I slammed the door to, and I went to the back side of the room and laid his pistol on the table, and told him, "Stay here, and I'll go out and try to stop the fuss." He said, "Don't leave me, they mean murder." I says, "Let me go out and I'll stop the Shiloh boys;" I thought I could control one or two of them. He says, "Take my pistol with you." I says, "No, I'll leave your pistols both back in here; you must take care of yourself; I can do you no good in here." He says, "I'll never touch them." I says, "That is as you please; there they are; I'll not take your pistols out with me." I tore loose from him and went out, and told him, "Fasten the door and I'll quiet these men," or "boys." I went out and called to these men and told them they had to stop it, and some of them said, "God damn him, where is he?" I don't think they said, "God damn." It seems they thought he went to the hotel. I suppose this pistol that went off drew their attention, and but one or two of them knew where he went. I saw some start to the hotel. He begged, when I went to the room, to get somebody to go and stay with him. It was right hard to get anybody to stay with him. Finally, Judge Young came up; it seemed he had just got there; he had not been there before. I said, "Judge, he has done give up, and he has give up his pistols." "Where is he?" said the judge. I says, "Will you go and stay with him?" He says, "I will." I says, "Here," and I took him around to the door of the court-house. When I got to the door of the room where Jones was he asked if it was me; I told him it was. I said I wanted Judge Young to go in there and stay with him. The judge went in and he was sort o' crying, a sort o' begging manner, and Judge Young told him, "Bill, make yourself easy, if they get in here they'll have to go over my dead body to do it." I went back and didn't go in the room again. I went and tried to reconcile the crowd, and did all I could to reconcile them. After awhile Ashby Woolf came to me and I told him where Jones was, and they went to him. Woolf came back and said he had said "he was willing to quit the canvass and quit

his foolishness, and sign any sort of paper we wanted him to sign to get away." I said, "That is all you can require of him." He says, "Let us not let anybody hurt him." I told him, "No;" he had asked me to save him, and I would do my best to do it. Woolf went back—I suppose he did, I did not see him—and he came out after a while, and showed me the paper he had written; I can't tell you what it was now, but he read it to the crowd, and the crowd said they were satisfied, and they were not going to hurt him; that he had given up and nobody would hurt him, no how; it was agreed by all hands that he should come out. My brother came to me at one time and told me we had better get him out of the back window, and get him off; I told him no, it was best to let him stay there until it quieted down; there would be no danger if they got quieted down. Mr. Woolf read this thing, and they were all satisfied, they said, but they would rather hear him say it himself; I told them there was no use of anything; it was all right; that they must let him alone. They said nobody would trouble him, but "God damn him, he had been rearing around and giving us trouble enough," and he must do right; they were tired of his trouble here. After a while we got his buggy and brought it up there, and he came out into the court-yard, and told the people he was done with politics: that he was sorry he had been so much trouble to the people. I cannot tell exactly what, but that he was no longer a candidate; he turned to the negroes and told them to go home and work; that he would have no more to do with politics; that he had been wrong, and was now convinced of it. I do not know exactly what he did say, for I was about as much confused as he was. He then said he would not go home without somebody to go through the swamp with him. I says, "Bill"—he has been raised by me; I have known him all his life—I says, "Bill, nobody will hurt you; all they want you to do is to behave yourself, and quit giving us so much trouble with the negroes; whenever you come in the county they get troublesome, and the women and children are scared to death." He says, "I am done." I says, "Now go home." He says, "No, I will not go unless you and Sam Tate go with me across the swamp." I says, "Sam and me and every man in town will go." I turned to Sam, who was close by, and says, "Let us go." He says, "My buggy is here," and I told him, "I will go and will guarantee that nobody will hurt you without they hurt me first." Then Sam Tate brought this buggy, and I got into the buggy with Mr. Jones, and rode with him nearly across the Chickasabogue Swamp, and talked with him on the way. He asked where Drake was. I told him the last I heard of Drake he was going down the branch, this side of town. I thought, at the rate of about fifteen miles an hour. He said, "God damn his soul, I will bet he is in Demopolis now, and has told my wife I am murdered." I says, "Don't you think your wife will be a glad woman if she hears you have quit your foolishness?" "Yes," she says, "I have given her a great deal of trouble." I says, "And you have given me a great deal of trouble, and all of us, for every woman and child is in distress when you make a speech." He says, "Well, I am done;" he says, "I will never go below Chickasabogue to speak again." I says, "The way you go on, going with them, talking to them, and going in their houses, we have constant trouble; whenever you come, it is the devil with the negroes, and it is astonishing to me that a man raised in the country would do as you have done." He said, "It was all right; he would be a gentleman hereafter." I said, "I am glad of it, and, if that is the case, you can come in the lower part of the county and every man will treat you with every respect; nobody has anything against you, except your working with the negroes; you are keeping us in hell with the negroes." He says, "That is done with." I says, "Then we'll have no more trouble in the country, and now I am glad this thing has taken place, if it has done as much good to you as you have said." But in a few days I saw a letter he had written back to Mr. Woolf and others, saying he was forced into this, and would still run. I got home and found the letter there myself. That is about all I know about it.

Question. Were you present at Shiloh, at the meeting, at which he says he was molested?

Answer. Yes, sir; I was there that day.

Question. When did that occur, and what occured?

Answer. I cannot tell exactly the date; it has been a year or so ago; it was the time they were running for the legislature, the last election. I do not think Mr. Jones was a candidate himself. I think he came down to make a speech, at the last election for legislature.

Question. Eighteen hundred and seventy?

Answer. Yes, sir; I do not remember the date. He came down, and Judge Maubin and Mr. Cade and others met him there, and they had a consultation, and told him it was his day; he must speak first; and he got up and spoke. Nobody said a word to him while he was speaking, I think. Captain Maubin got up and commenced speaking; and after he spoke a few minutes—maybe fifteen or twenty minutes—Jones got up and began to object to something he said, or cross-questioned or interfered with him, and some of them got up and told him nobody had interrupted him, and he should not interrupt Captain Maubin; that they had let him speak his speech through, and he should not do so. I do not know that I can recollect—it has been a good while ago—but I think it stopped then, and Maubin went on and spoke a while longer. Finally,

Jones said something again to him; and I think Mr. Pope, a young man, caught hold of him, and told him he should not interrupt Captain Maubin, and there was a good deal of stir about it, and a good many interested that day. There was a sort of bad feeling about the court-house question—whether the court-house should stay here or not. I got up and went right between them, where Jones and these boys were, and told them to stand back and not interrupt, and told him to go on and get in his buggy; that these boys would kill him as sure as he was born. Four or five of us had as much as we could do to keep them from him. He said he did not know where to go to. I told him to go in his buggy to McKinley, where he was to speak next day, or go home in his buggy, or stay in his buggy. He went and staid in his buggy, and after awhile he left. Nobody interrupted him after that. I think, then, if I had not interfered, they would have killed him, but I do not know; I did not hear the boys make any threats, or anything of the sort.

Question. It arose from his interference with other speakers?

Answer. Yes, sir; with Captain Maubin. I do not think there was a word said to him while he spoke.

Question. Do you know anything about his speaking at McKinley, soon after?

Answer. I was not there; I heard he made a speech there—I believe next day.

Question. Has there been in this county, with the exception of the matters to which you have referred, general peace and quiet, and good conduct?

Answer. I think so. I think, if he would quit his foolishness, we would get along peaceably. There are some other radicals, but we get along very well except when he comes around and interferes with the negroes; that is the opinion; the negroes are troublesome sometimes, attending to those meetings. He was at McKinley the other day. My son was there and saw them arrive, a good many from Wilcox and this county. I did not attend there that day, at McKinley; I did not go. I forget what day it was; I reckon it was the 18th.

Question. You think that the whole difficulty the other day at Linden was made by his imprudence, and by his challenging to fight?

Answer. Yes, sir. I did not hear anybody bother him. He said something about Shiloh, and there were one or two asking him a good many questions; I do not remember what about: but one thing or another.

Question. Was he struck severely at Linden?

Answer. I do not think he was struck at all; if he was, it was while my attention was drawn to those negroes; it was a very few moments—not one minute, I do not think. I never saw any one strike him; but when I started down I saw these negroes; I turned and tried to stop them; I saw I was right between these white men and negroes, and it was a bad place; I thought I could stop the negroes.

Question. How many white men were there armed?

Answer. I do not think there were more than two guns on the place; I saw some pistols; I do not think there were more than twenty white men there; there might have been thirty.

Question. Were they strangers—the white men?

Answer. No, sir; I did not see any who were strangers to me.

Question. Were they all men that were well known to Jones?

Answer. Yes, sir; I think so.

Question. He had formerly lived in that neighborhood?

Answer. Yes, sir: just this side, between Linden and Shiloh; he was pretty much raised there: his father lived there.

Question. The people were from that neighborhood?

Answer. Yes, sir.

Question. All acquaintances of his?

Answer. I do not think there was a man there but what he was acquainted with.

Question. I ask the question because he stated that many were there from Wilcox County, and he did not know them at all.

Answer. I have no recollection of seeing strangers there; I know a good many people from Wilcox; there might have been some strangers there; I do not remember it.

Question. When he came down and announced his readiness to fight, did the negroes make any demonstration?

Answer. The negroes strung themselves out and presented their guns.

Question. How many of them?

Answer. Fifteen or twenty of them; maybe more; I cannot tell how many.

Question. Did they look as if prepared for a fight?

Answer. Yes, sir; the negroes with guns staid inside, and those who had no guns got back.

Question. Did many of the white people run off at that time and get guns?

Answer. Every one, I think, left the place except Mr. Morgan; I do not know where to. I went a few steps, and went back; I thought I would go back and try to stop it. Mr. Morgan, when I got back, had a little pistol about that long—[illustrating]—about six inches long.

Question. Is it your opinion that the whole disturbance was made by Mr. Jones himself?

Answer. Yes, sir; that is my opinion. These young men would ask him a good many questions there, but not more than I have heard frequently before the war, where there were public speakers and speaking; it is a usual thing to ask questions.

Question. Then interruptions are very general in speaking?

Answer. Yes, sir. I saw nobody disposed to fight; in fact, the old men there were endeavoring to keep peace, and did not want any disturbance; in fact, were not prepared; there were negroes enough there to quarter every white man in the town if they went at it right. I only saw two guns on the place; there may have been others. As I turned to Morgan I saw a negro take a gun out of a white man's hand, and as I turned I heard this negro say, "If you shoot Massa Dan, I will put twenty-four buckshot in you."

Question. Who is Massa Dan?

Answer. Mr. Morgan. The negro was a little behind, and Jones was going to him with this large pistol, and then I turned to these negroes that had the guns, and the next I saw a crowd were close by him, and they may then have struck him, but I saw no bruises on him; he did not say anything to me afterward about their hitting him.

Question. Did you hear him speak of being shot at in the swamp in the morning?

Answer. Yes, sir; he told me, speaking of Drake, that there was a gun fired at him in the swamp, and he expected if Drake had been along he would have run them. I said, "Wasn't it somebody shooting a squirrel?" He said, "Yes; I reckon so;" and he pointed out the tree, about thirty steps from the road, and he said the powder burnt his face. I said, "You were only scared; it was some boys out there shooting squirrels." Afterward he told the story about the flag and that he was fired at in the swamp. He has told two tales about it; he told me differently; but I did not examine the buggy to see if any shot were in it or not.

Question. You say whenever Jones goes down in that neighborhood he kicks up a rumpus with the negroes?

Answer. Yes, sir; they get to traveling about, and the people are scared. They do not know what he is doing. He seldom goes into that neighborhood except in disguise. I have heard about his being in Shiloh, below there, in negro quarters, in disguise—black—but I do not know that it is so. I have never seen him below Linden since that Shiloh fracas, or heard of it, except in disguise, and I do not know that that is so; I think that is very doubtful.

Question. But his appearance down there is the signal for alarm among all the women and children?

Answer. Yes, sir; they are always in dread of him; it is the general terror of the country; the negroes, of course, think Jones is heading them; they do not always say it is Jones, but whenever there is an election coming on they are always in a stir about him.

By the CHAIRMAN:

Question. State the nature of the disturbance at that meeting. What did the people in the crowd say to Dr. Jones?

Answer. I cannot tell you all they did say: the most of the disturbance was at Mr. Drake, as I recollect.

Question. What did they say to him?

Answer. Drake was sitting up there, and I recollect hearing one man say, "Who was the man," or "Where is the man that tried to steal John Keller's money?" Another said, "It was C. L. Drake;" and some one or other said, "There he sits up there now. Don't you look damned pretty, after trying to break into a man's private house and get his money?" and a good deal of such talk.

Question. Was Drake saying anything to the crowd?

Answer. No, sir; not a word.

Question. Had he done anything to promote this occurrence?

Answer. No, sir.

Question. Had he been advertised to make a speech?

Answer. No, sir.

Question. Had he just come there in company with Jones?

Answer. No, sir; I do not think he came in company with him; they were together, though.

Question. Is he an office-holder?

Answer. I think he is register in chancery; he has been clerk of the court.

Question. He is a republican?

Answer. Yes, sir; I suppose so; that has been his character; he has always been called a radical; He has been as bad a man among these negroes as this other one; I know he gave me a good deal of trouble.

Question. Was he in the habit of making political speeches?

Answer. I never heard him make a speech in my life.

Question. Was he odious on account of his political opinions?
Answer. I think he was.
Question. People up there do not like radical office-holders, anyhow, do they?
Answer. Not much.
Question. They were very apt to pick up anything they could find against them?
Answer. I do not know that they would.
Question. Do you not think it was very insulting to talk in that way to a man who was sitting on the stand, not giving any offense to the crowd?
Answer. Yes, sir; it would have been to me; I would have thought it was insulting, if he had been clear of the charges.
Question. Do you think it was becoming, if he was guilty, to throw them up to him in that public manner, in the crowd?
Answer. I would not have done it myself.
Question. Of course, you do not know whether he is guilty of these charges or not?
Answer. I do not.
Question. You never had a radical office-holder against whom something was not alleged?
Answer. I think Judge O'Connor got along very well.
Question. Is he not a democrat?
Answer. No, sir.
Question. A radical?
Answer. I think so. He has got along finely.
Question. Is he a radical now?
Answer. I think so.
Question. Does he vote the radical ticket?
Answer. I think he has never voted anything.
Question. Was he not appointed by Governor Lindsay?
Answer. No, sir; elected by the radical party.

By Mr. BUCKLEY:

Question. Did he not, afterwards, come out in a card and signify his intention to vote the democratic ticket, in 1868?
Answer. He has said he was a democrat, but nobody ever believed him; he never showed it by his acts.
Question. Did he vote for Grant and Colfax?
Answer. I think so.
Question. Did he not make democratic speeches that fall?
Answer. I never heard of it.
Question. Did he not come out in a card and say he was born a democrat, and every Irishman was a democrat?
Answer. I understood he said every Irishman was born a democrat. I never heard of his voting that ticket. He has made a very good judge.

By the CHAIRMAN:

Question. Do not the democrats up there understand that he is with them?
Answer. No, sir; I do not know that they do. I am not a democrat; I am an old-line whig, and I simply vote with them. I prefer them to the radical party, though.

By Mr. BUCKLEY:

Question. A choice of evils?
Answer. Yes, sir.

By the CHAIRMAN:

Question. You have told what was said to Mr. Drake by members of the crowd; please state what was said to Jones, loud enough for you to hear, by persons in the crowd.
Answer. I think, after I asked him this question, I heard him say, "Fellow-citizens," and some fellow said, "Fellow-hell," or something to that amount. I think that was what he said.
Question. Did you hear any one call him a liar, or damned liar?
Answer. I think I did hear some one say, "That is a damned lie."
Question. Did you hear it more than once?
Answer. I do not know that I did.
Question. Did you hear him called a damned scalawag?
Answer. I do not know; they were abusing him greatly there—him and Drake, between them. I know they did not call him a gentleman. They were talking pretty rough a good while.
Question. There was considerable insult?
Answer. Yes, sir.
Question. It would be very difficult for a speaker to collect his thoughts?

Answer. I have heard just as much before the war, except giving the "damned lie." I have seen one good wagon-spoke thrown at the speaker, once, before the war.

Question. Was it a common practice of the people of Marengo County, at political meetings, to insult speakers on the stand?

Answer. I do not know that it was; I have frequently seen it done.

Question. Was that course approbated by the people?

Answer. Of course, the people that did it looked upon it as right; but the others would say it was wrong.

Question. Are you speaking of general discussions?

Answer. Yes, sir.

Question. Would it not create a row whenever a speaker was interfered with in that way?

Answer. No, sir; I never saw a riot created in my life before.

Question. If a speaker was called a damned liar?

Answer. I do not think I ever heard one called a damned liar then.

Question. Could a greater offense be offered a public speaker than that?

Answer. No, sir; I think not.

Question. You do not think Dr. Jones could have proceeded with that speech; could have collected his thoughts, with such interruptions constantly occuring?

Answer. I do not know; I think he could have gone on.

Question. Did you see any pistols flourished in the crowd?

Answer. No, sir; only what the negroes had, the people there; a good many of us told him to go on, and called to those who were talking and told them to hush.

Question. You went to keep the peace?

Answer. Yes, sir; I did not go to keep the peace, but when I got there and saw these guns among the negroes, Mr. Woolf came to me and asked me to not disturb him in any way, for he had come for a fuss.

Question. What did those twenty or thirty white men, who, I suppose, were all democrats, go to that meeting for?

Answer. The most of them were citizens of the town.

Question. Why did they, if his sentiments were distasteful to them, go and listen to him?

Answer. They did not go and listen to him; they went after the disturbance commenced—most of them.

Question. How many were in the crowd when the fuss commenced?

Answer. Not more than five or six; more than that were in hearing, but not where the speaking was going on.

Question. Were they listening to him?

Answer. Yes, sir; but on the opposite side of the street.

Question. Were they in their places of business?

Answer. Most of them were in their groceries and stores.

Question. Were they in their houses, the business places, or outside?

Answer. I suppose they were outside; I do not know; I was not over there among them.

Question. At the time he got down and drew his pistol, how many white people were in the crowd?

Answer. I do not think there were but four or five.

Question. I understand you to say a large number rushed for arms then?

Answer. No, sir; I said the crowd there went back; I suppose they went for arms; I stepped back; I saw these men standing there, and I went back.

Question. What were they going for arms for?

Answer. To defend the place against these negroes and Jones; that is what I would have done with them if I had had them, after they had commenced.

Question. Did Jones say anything in his speech that was improper?

Answer. I do not remember that he did.

Question. If he uttered a single sentiment to which conservatives could take exception, mention it.

Answer. I was paying but little attention to his speech.

Question. You went to hear him, did you not?

Answer. No, sir.

Question. Were you listening to him?

Answer. I was, most of the time; I was sitting on the opposite side of the street talking to Dr. Riddle.

Question. Have you ever heard that he was uttering improper sentiments?

Answer. I do not think I have.

Question. Now, a word or two in relation to what occurred at Shiloh, when he interrupted the speaker, Captain Maubin. What was the nature of that interruption; did he ask an explanation?

Answer. That was about the time he commenced interrupting; I cannot recollect what he said at Shiloh, but he said something about Shiloh, and some one told him,

"You said in Shiloh that if we would go to Demopolis, where you had three brothers, you would fight us."

Question. You are speaking of what occurred at Linden?

Answer. No; at Shiloh. "Now I have been to Demopolis; you did not fight me."

Question. Who said that?

Answer. Morgan. And he said Shiloh was low and shy, or something; I do not know exactly what; that was when he told him it was a damned lie.

Question. This is the same Morgan who insulted him up at Linden?

Answer. Yes, sir; this was the Morgan he wanted to fight at Shiloh, and that he told if he would go to Demopolis he would fight him; he was the one who told him at Shiloh he could not interrupt Captain Maubin.

Question. How did he interrupt Maubin?

Answer. Asking him questions.

Question. What questions?

Answer. I do not remember.

Question. Was it in a respectable manner?

Answer. I think so.

Question. Was it a general discussion that day?

Answer. Mr. Jones had made an appointment there, and invited these men to hear him. Mr. Maubin was not a candidate himself.

Question. Had Jones made his speech?

Answer. Yes, sir.

Question. And he interrupted Captain Maubin with some questions?

Answer. Yes, sir; frequently.

Question. Is not that very customary in general discussions, for speakers to ask each other questions?

Answer. Yes, sir; it is very often done.

Question. It is never regarded as offensive that respectable questions should be asked?

Answer. No, sir; I reckon not.

Question. Is it not usual in all debating assemblies?

Answer. He had got through with his speech, and he wanted one of these men to speak before he did, and they told him to "Go on and speak; it was his day."

Question. Was there anything in the matter or manner of this interruption which was, in your judgment, calculated to give just cause of offense?

Answer. I think so.

Question. Tell us what the matter or manner was.

Answer. I cannot recollect; I recollect that at that time I thought he was doing very wrong; he said some things I thought he ought not to say; and some said he should not be allowed to ask such impertinent questions: I said, "Let him alone." He would frequently say, "You have not got that right," or "You have made a mistake," or something of the sort.

Question. If he was misrepresented by the speaker——

Answer. I do not think he was.

Question. If he thought he was, was it not proper and parliamentary to say, "You misunderstood me," or "mistake my position," or "have committed a mistake?"

Answer. It might have been, but I think the young men told him, "You just hold, and whenever the captain quits you can have your time; you must not interrupt him; he did not interrupt you."

Question. Did they threaten violence to him that day?

Answer. Not at all; they had told him, I think, about three times that he must not interrupt the captain.

Question. What violence did they offer then?

Answer. They took him by the collar and shook him a little, a pistol or two drawn: and he then got down, and was put in his buggy.

Question. How many men escorted him to his buggy?

Answer. I think but two—myself and Mr. J. Y. Alston.

Question. You conducted him out of the crowd against his will?

Answer. No, sir; I told him, "You had better go away from here, Bill; get in your buggy and leave." Alston was a radical, and one of my neighbors.

Question. He went under compulsion?

Answer. He went to the buggy and staid there as long as he wanted to; and several of the crowd went to him and told him not to go if he did not want to.

By Mr. BLAIR:

Question. Was that the occasion to which he alluded when he said you had saved his life once before?

Answer. Yes, sir; I suppose so.

By the CHAIRMAN:

Question. So you think you did save his life upon that occasion?

Answer. I would not be surprised; if he had staid there they would probably have hurt him: they had asked him several times to let the captain alone, and said that he should not interrupt him.

Question. He testifies that when at Linden these parties that surrounded him with pistols punched them against his face and body and hurt him some; you say your attention was not attracted to that?

Answer. No, sir; not at that time. When I first came up to him there I noticed these negroes off the other way.

Question. That might have occurred without your seeing it?

Answer. Yes, sir; but I saw no bruises on him.

Question. Dr. Jones has, heretofore, exercised a great deal of influence over the negro population?

Answer. Yes, sir; in voting.

Question. They have great confidence in him as a leader, have they not?

Answer. Yes, sir; him and our judge and clerk—they control them pretty much.

Question. That fact itself is not very well relished by the democrats?

Answer. I do not know that it is; about relishing, of course they do not.

Question. Personally he was a very popular man before he took such an active part for the radical cause, was he not?

Answer. He was very young when he went to the war; he never had been much of a politician; he had been at school most of the time.

Question. You remember when he was electioneering?

Answer. I recollect hearing him make a speech about the commencement of the war.

Question. You recollect when he electioneered for the Seymour and Blair ticket?

Answer. Yes, sir.

Question. Did you hear him make any speeches that year, 1868?

Answer. I do not think I did.

Question. You heard of his speeches, did you?

Answer. For Seymour and Blair? No, sir; I do not think I did.

Question. You never heard of those for Seymour and Blair?

Answer. I heard he was voting for them; I have heard him say he voted for them; I never heard that he made a speech for Seymour in this county.

Question. Did he anywhere?

Answer. I think it was somewhere between here and Selma; I do not know whether he did or not.

Question. Was he very well liked by the conservative party at that time?

Answer. No, sir; I do not think he was; they never took him in as true; I heard a good many say, if he held out, it would be all right, but it depended on which way the election went.

Question. Did they think that in his secret sentiments he was a radical?

Answer. Yes, sir; they did.

Question. So they did not credit his conversion?

Answer. Not much; I never heard anybody.

Question. But if he had stuck, it would have been all well?

Answer. It might have been by this time; but he did not stick; nobody had any confidence in his change. He may have made speeches in this county; but I took very little interest; if he did, it was in the upper part of the county; he never went in the lower part. I have heard him say in his speeches since that he had made such speeches, but I did not remember it.

DEMOPOLIS, ALABAMA, *October* 23, 1871.

CHARLES L. DRAKE sworn and examined.

By the CHAIRMAN:

Question. Will you state your residence and occupation?

Answer. Demopolis, Marengo County; Linden is properly my residence; I am register in chancery.

Question. How long have you lived in Marengo County?

Answer. Five years.

Question. Have you held this office during that time, or what portion of the time?

Answer. About two years and a half or three years.

Question. Did you hold any official position in this county before that time?

Answer. As circuit clerk for a short time previous; I held them both until quite recently; I resigned the clerkship. I was connected also with the Freedmen's Bureau while it was in existence.

Question. You may state to the committee what occurred at Linden, I think it was two weeks ago last Saturday; at all events upon the occasion when Dr. Jones addressed, or attempted to address, a political assemblage at that place.

Answer. I was present.

Question. Did you accompany Dr. Jones there?

Answer. No, sir; I was there in my office.

Question. What position did you occupy enabling you to see what occurred that day?

Answer. I was sitting on the stand back of the speaker after he commenced speaking.

Question. You may state whether you took any part in the proceedings that day; whether you spoke or proposed to speak to the crowd, or were there simply as a spectator.

Answer. Simply as a spectator. I might have made a few remarks if the occasion had permitted.

Question. Had you been advertised to speak there?

Answer. No, sir; I was not one of the speakers.

Question. You may state whether you were insulted by members of the crowd upon that day assembled to hear Dr. Jones speak.

Answer. My name was called—I was spoken of in an insulting manner—spoken to and spoken of by members of the crowd.

Question. In such terms as to imply contempt, or dislike, or hatred?

Answer. Yes, sir.

Question. Had you said or done anything upon that occasion to provoke such expressions?

Answer. I had said nothing. I only took my position on the stand with the speaker. I went up on the stand with the speaker, Dr. Jones, and took my seat.

Question. Did you notice the men who offered these insults to you?

Answer. Yes, sir.

Question. Did you know them?

Answer. They were strangers to me; that is, they were mostly strangers. I knew some that were in the crowd. I do not know that I knew any one that directed his conversation directly to me.

Question. Did they use any odious epithets in addressing you?

Answer. Yes, sir; profane language.

Question. What number of white men were present with the blacks at the commencement of Dr. Jones's speech. I mean men who were within hearing distance and apparently paying attention to what he was saying?

Answer. I should say from sixteen to twenty that I noticed.

Question. Did you notice whether any of the white men that came upon the ground were armed at the commencement of the speaking?

Answer. I saw none except with revolvers; I saw two or three with revolvers.

Question. Was there any flourishing with revolvers?

Answer. I saw one take a revolver from his pocket and give it to another. That is the only man I noticed.

Question. Go on and state to the committee what interruptions were made by the crowd or members of the crowd while Dr. Jones was speaking.

Answer. He commenced his address by stating that he had come there for peace, quietness; that he hoped good order would prevail. Some one called him a scoundrel, prefacing it by an epithet, "a God damned scoundrel."

Question. Was that in the early part of his speech?

Answer. Yes, sir; Dr. Jones replied by saying he was sorry he could not give him a like compliment, or something to that effect. I do not remember the words used, but he was repeatedly interrupted by one and another of the white men in the crowd.

Question. Did you hear the lie given to him?

Answer. I heard it said, "That is a lie," or "That is a damned lie," two or three times.

Question. What notice did Dr. Jones take of these interruptions?

Answer. He did not respond to them but two or three times that I recollect. One man—I am told his name was Morgan, I did not know him at the time—stated that he would not dare come down to Shiloh, or invited him down there, I do not know which. Dr. Jones retorted by saying that he was aware that was a shy place and a low place. I recollect that remark. Do you wish me to go on and state the substance of what occurred?

Question. Yes, sir.

Answer. He went on with his speech. He commenced to give a history of the republican party from 1856 up to the present time, and he was repeatedly interrupted, and he very soon turned to me and remarked that he thought that he had better not try to make his speech; that he would make a few remarks at random. They kept calling upon him to know how about Drake. I told him to remark to them that I was there, and that I would answer for myself if necessary. They kept referring to me and interrupting him. I thought that, perhaps, this might be on account of my presence. I got up and remarked to him I would go down into my office, and perhaps interruptions would cease. He remarked to me at that time that he thought that he had better stop speaking and he would do so. I told him that it was, perhaps, advisable, and I then

[illegible] down into my office, and went to writing. I expected that he would come down into my office; he did not; I remained there perhaps fifteen minutes; I sent up to him, sent word to him, to come down into my office. He sent back word that he would remain where he was until his carriage came; he had sent for it, and as soon as it came he would get into it and leave town. I sent him word I would go over to the hotel and get ready and go with him, as I was going to Demopolis that afternoon myself. I then passed out of my office, crossed the street, and over to the hotel. That was all that I know that occurred there. After I got to my room—I had been there, perhaps, not to exceed five minutes—when I heard a tumult on the street and stepped to the door, and saw a general tumult—hallooing, cursing, and I heard them say "Shoot!" "Shoot!" and others, "Don't shoot!" As I was standing in the door there were three gentlemen passed by me and up the street, apparently going to dinner, just as that commenced. Some one in the crowd hallooed for John Norwood; then I saw a white man named Dial call for John Norwood. I did not know who John Norwood was at that time, but one of the whites that passed the hotel, when he heard his name called, wheeled and drew his revolver, and returned on the road to the crowd, past my door. I stood there watching it for, perhaps, five minutes. They surged up to the court-house; I heard them inquire for Drake; they then came back into the middle of the street and wanted to know where Drake was, and surged up toward my room. I stepped back and shut the door and placed a chair behind the knob, as there was no lock to the door, and thought to remain there. Finally I concluded to step out the [illegible] and went off back, and that is the last I saw of the occurrence.

Question. You may state what Dr. Jones had said of a character to inflame the crowd up to the point when he ceased speaking.

Answer. I know of nothing except one remark; he stated that at their primary elections the democrats tried to get the colored people to help them in electing their nominees.

Question. Was that statement true, within your knowledge?

Answer. No, sir; I do not know anything about it. Some one interrupted then; a gentleman asked him if he charged them with trying to get them to elect them to [illegible]. He explained again and said he only charged them with trying to get their [illegible] at the primary election. I do not know of anything he said more inflammatory than that.

Question. Everything else that transpired that day, then, rests upon information [illegible] you have derived from others?

Answer. Yes, sir.

By Mr. [illegible]:

Question. In the portion of the speech which you heard delivered by Mr. Jones did [illegible] anywhere that was calculated to excite or irritate or provoke a difficulty [illegible]?

Answer. No, sir.

Question. From the appearance of these white men who stood through the crowd, from what you saw, is it your opinion that they came there for the purpose of actually [illegible] to the speech or to make interruption?

Answer. It was my opinion that they came there for the purpose of making interruption.

Question. They commenced making these remarks very early in Mr. Jones's speech, [illegible]?

Answer. Yes, sir.

Question. Did you see Mr. Jones [illegible] in the court-house—after he went into the court-house?

Answer. After I left the court-house? No, sir; except I saw him sitting upon the stand where I left him.

Question. You were not there when he left the stand and went down in the crowd?

Answer. No, sir.

Question. Did you see any disposition among the colored people that day to produce riot or act in a threatening manner?

Answer. No, sir; I never saw a more quiet, orderly-disposed assemblage of colored people.

Question. Did you see any of them have guns?

Answer. I do not know that I did: I do not remember it; but I presume they did: they generally do have some guns wherever they go. I do not remember any particular [illegible] now.

By the CHAIRMAN:

Question. What is the feeling on the part of the conservative party of this county toward republican office-holders; is it friendly or unfriendly?

Answer. I judge it to be unfriendly from my experience.

Question. You may state to the committee some of the manifestations of that feeling, such as have fallen under your observation, and such as you have derived from reliable [illegible].

Answer. Well, yesterday I overheard a remark in passing along the streets of Linden; going into a drug-store there, a man remarked, I think for my hearing—for my benefit—that, "the damned Yankees ought to be driven out of the country;" that "they had no business here," which was concurred in by two or three others. One day last week the deputy sheriff of the county, a democrat, conservative, approached me and asked me why I did not go back North where I belonged, and not stay down here interfering with business that did not concern me; that I had no business and did not belong here. These are two instances of recent occurrence that will indicate the feeling.

Question. Have you heard of such expressions frequently in times past?

Answer. Yes, sir.

Question. How are you treated socially by the members of the conservative party?

Answer. Ignored entirely.

Question. Are you a man of family?

Answer. Yes, sir.

Question. How is your family treated?

Answer. In the same way, sir.

Question. Do you often hear expressions made in your hearing and apparently for your ear, tending to disparage northern men who have come to settle in this community?

Answer. Yes, sir.

Question. What is the feeling of the conservative party in relation to the establishment and maintenance of colored schools, so far as you have observed?

Answer. It has not been friendly so far as I have observed. They generally say that they do not believe they are susceptible of being educated; they believe it is money and time wasted.

Question. Have you known or heard of any instances where the teachers of colored schools have been molested or interfered with in the discharge of their duties?

Answer. I have no personal knowledge except by what I have heard, of course.

Question. If you have any information you rely upon as true, you may state it.

Answer. The most recent occurrence that I remember now is the whipping of a colored-school teacher by the name of Neibling, in this county and the burning of school-houses in Choctaw County, and churches belonging to colored people.

By Mr. BUCKLEY:

Question. How many school-houses were burned in Choctaw, according to your information?

Answer. I think two, and one church. That is my recollection.

Question. The schools kept in those school-houses were broken up, were they?

Answer. I do not know whether the schools were being held at the time. I know one of the school-houses that was burned; I passed there [illegible] and a school was in session each time I was there.

By the CHAIRMAN:

Question. Repeated instances of riot, whipping, and murder have been brought to the knowledge of the committee, where the victims were negroes, and no one was punished. The committee desire your opinion whether, as a general thing, the men concerned in those outrages could be found out and punished if there were an earnest and determined effort on the part of the whites.

Answer. Yes, sir.

Question. We wish to inquire into the condition of this part of the State of Alabama, so far as regards the execution of the laws and the safety of the lives and property of citizens. Please give the committee any information you have on this subject derived from your personal knowledge, or sources you deem reliable.

Answer. This county, until within the past year, has been remarkably exempt from any cases of violence or persecution of a political nature or otherwise, but within the past year such occurrences have been quite frequent. I hear of them as violence perpetrated on colored people; but as for the safety of white people, I have not deemed it particularly unsafe except for a few. I have deemed it unsafe for some prominent republicans that have taken an active part in politics for the past year.

Question. Do you think such persons are liable at any time to be maltreated?

Answer. Yes, sir.

Question. How have the laws been executed in cases where colored men have been punished by combinations of men in disguise?

Answer. I never have known of any one being punished or arrested.

Question. In regard to disturbances of the peace, and crimes which have occurred in the last year in this county, you may state to the committee any instances which now occur to you.

Answer. There was a riot at Shiloh at the time Dr. Jones attempted to speak there. It may have been more than a year since, but I think not. There was the killing of this colored man, Robin Westbrook; there was this affair at Linden; there was

the whipping of this teacher of a colored school; and I have heard of several instances of whipping of negroes that have occurred, but I have not known the facts.

Question. Have you heard of colored men being found dead, shot? I refer to a case said to have occurred near Pinhook.

Answer. I heard of it; I heard such was the case, but it was not corroborated.

By Mr. BLAIR:

Question. That was not in this county, was it?

Answer. Yes, sir; Pinhook is in this county. I heard that there was a man found shot dead on the road from Jefferson to Linden, I think it was, but it was not corroborated. My memory does not serve me now in regard to the particulars.

Question. Was not that in Hale County?

Answer. I have heard of two being found dead in Choctaw County; I do not know that I ever heard of any one being found shot in Hale.

Question. There is a place called Pinhook in Hale.

Answer I was not aware of it. There is a place also called Pinhook between here and Jefferson.

By the CHAIRMAN:

Question. State whether you have heard of similar outrages having occurred in adjoining counties.

Answer. I have, frequently, sir.

Question. What is the reputation in that respect of Choctaw County?

Answer. It is bad.

Question. Are instances said to have been common in that county of punishment of the negroes?

Answer. Yes, sir.

Question. How is it in Sumter County?

Answer. It is the same condition.

Question. How is it in Greene?

Answer. In Greene I have not heard recently of as many outrages, but last year outrages were quite frequent there. Some colored men were killed and several beaten.

Question. Are there any other counties where you have heard of outrages in this part of the state?

Answer. I have heard of colored people being whipped and beaten in Hale County; I do not remember now that I have heard of any being killed there.

Question. Have you heard of the case of the whipping of a negro who was supposed to know who attacked Dr. Smith in this county?

Answer. I have heard of it; I know nothing of the circumstances; I was absent at the time.

Question. Where these violations of the law have occurred, have earnest efforts been made to discover and punish the offenders?

Answer. Not to my knowledge.

Question. Have you been in a position to know if such had been the case?

Answer. Yes, sir.

Question. Is there, in your opinion, any discrimination made on account of color or opinion in the administration of justice?

Answer. Yes, sir.

Question. Do you know or have you heard of any attempts of employers to control the action or will of their laborers as to voting by threats of discharge or other oppressive means?

Answer. I have heard of instances, but I do not know.

Question. What is your belief as to the correctness of your information?

Answer. I think it is correct in the main.

Question. What, so far as your observation has gone, has been the effect of these threats in deterring colored men from voting their sentiments at the polls, or in deterring them from attending the polls?

Answer. I think it has had a great tendency to deter them from voting freely, more in adjoining counties than in this. In this county there has not been so much proscription in that respect as in other counties around.

Question. Do you think that, as a general thing, the colored people vote freely, without restraint or fear?

Answer. They have fears, but, so far as I have been cognizant of their exercising their right of suffrage, they have done it. They express fear.

Question. Are the people of this part of the State thoroughly reconciled, in your opinion, to the permanent right of the negroes voting?

Answer. I do not know but they are at the present time. Such has not been the case, though, until quite recently. By their efforts being made now to obtain their votes, they thereby acknowledge their right to vote. They do not admit that they are

qualified to vote; they do not think they should vote, but I do not know that they materially oppose their exercising the right of suffrage now.

Question. Do they generally recognize their duty now to educate the negro, so as to make him as intelligent a voter as possible?

Answer. I do not think they do, sir. They do not exhibit an interest in it, at least.

Question. What is their feeling toward those political leaders who have influence with the negro voters?

Answer. Hostile.

By Mr. BUCKLEY:

Question. From whom, Mr. Drake, do you hold your appointment?

Answer. As register in chancery?

Question. Yes, sir.

Answer. From A. W. Dillard.

Question. He is the chancellor of this division?

Answer. Yes, sir.

Question. An old citizen of this part of the State?

Answer. Yes, sir; of Sumter County.

Question. He is a resident of that county, is he?

Answer. Yes, sir.

By Mr. BLAIR:

Question. How long did you say you had lived here?

Answer. I came here in April, 1866.

Question. Do you think the negro is fit to vote?

Answer. Many of them are; many are not. Some are not.

Question. I speak of them in the aggregate—the mass of them.

Answer. I could wish that they were better qualified, but I think, under the circumstances, they are fit to vote. They have, I consider, an intuitive knowledge of what is right and wrong; that guides them to a great extent in exercising the right of suffrage.

Question. They are very ignorant, are they not?

Answer. Yes, sir.

Question. Ignorant of the very meaning of suffrage, are they not?

Answer. They probably could not give a very correct definition of that word. They have acquired a knowledge of it from experience. They are better fitted for it now than they were at first, I think.

Question. Upon the theory maintained and advocated, especially in the Northern and New England States, that intelligence and education are the best qualifications and basis for the right of suffrage, are they fitted to vote?

Answer. They are not educated.

Question. Totally uneducated?

Answer. Not totally so; they are becoming educated.

Question. How many? What proportion have any sort of education?

Answer. In this county it might be put at, I would say, one-tenth.

Question. Can one-tenth read and write?

Answer. Can read. Many of the men can read that cannot write; writing is an accomplishment that very few of them ever attain.

Question. Do you think any of them have any knowledge of the principles of our Government?

Answer. Yes, sir; but few, however.

Question. Very few?

Answer. Very few; and very many white men have very little knowledge of our Government.

Question. The intuitive knowledge you spoke of, they get generally from such men as yourself and Jones, do they not?

Answer. I used the term intuitive; I do not know as I should have used that term: I do not believe in the term at all myself, as applied to knowledge. Of course, what knowledge they have gained they have gained from men whom they have recognized as their leaders, politically.

Question. They follow blindly those who are their leaders, do they not?

Answer. They have a great deal of confidence in those whom they call their leaders.

Question. Their leaders are not always well-educated men themselves?

Answer. Well, sir, I presume not. In this vicinity those who have aspired to be or have been leaders have been men of very fair education—the men that I think of now.

Question. What is that remark?

Answer. Those of their leaders who have taken the lead in political matters in this section have been men of pretty fair education, without any exception that I think of now.

DEMOPOLIS, ALABAMA, *October* 28, 1871.

WILLIAM L. KELLY sworn and examined.

The CHAIRMAN. This witness having been called by the minority, will be examined by General Blair.

By Mr. BLAIR:

Question. State your residence and occupation.
Answer. Jefferson County. I am a farmer there.
Question. Do you live in Jefferson?
Answer. I live near there.
Question. Do you know Dr. S. D. Smith, of Jefferson?
Answer. Very well, sir.
Question. Do you recollect the recent killing of Robin Westbrook?
Answer. Yes, sir.
Question. Did you see Dr. Smith the next morning after that occurrence?
Answer. Yes, sir; I saw him.
Question. Where did you see him?
Answer. I saw him right in front of his house at the gate. I rode up there in the morning and saw him and conversed with him, talked with him.
Question. The morning after this occurred?
Answer. Yes, sir.
Question. You heard of it?
Answer. I did not hear of it until I got into town that morning. I was told then.
Question. Did you hear of it before you saw the Doctor?
Answer. Yes, sir.
Question. How was the Doctor looking?
Answer. He was looking very well; as well as usual.
Question. Any appearance upon him of his having received an injury?
Answer. I did not see anything. He was then on the eve of starting to see a patient down out a piece.
Question. Did you see him start?
Answer. No, sir; I rode off after I conversed with him a while. They said he had to see a gentleman before he started, and wanted to start as soon as he could.

By the CHAIRMAN:

Question. How far did you live from Jefferson?
Answer. About two miles and a half east of Jefferson.
Question. Have you any information who were concerned in the murder of Westbrook?
Answer. I have nothing definite. There have been a great many rumors through the country, but I know nothing definite.
Question. Was it supposed to be by white men?
Answer. There is a variety of opinions there; I think, sir, from what I have heard expressed in the neighborhood, some thought it was negroes and some thought it was white persons.

By Mr. BUCKLEY:

Question. Did you hear that they were disguised?
Answer. I heard that they were not. I heard it spoken of, but I did not pay much attention no way. I heard them speaking of them as not being disguised.

By the CHAIRMAN:

Question. What steps did the community take to discover who had perpetrated the murder?
Answer. I do not know that they took any particular steps. I suppose the coroner might perhaps; I do not know. The coroner came in about noon, or before, and held an inquest.
Question. How did he get his information?
Answer. I do not know. I was passing through Jefferson. I did not stop long. I went on.
Question. Beyond a coroner's inquest were any steps taken to find out who caused the murder?
Answer. None that I know of.
Question. Westbrook was considered a fair, decent colored man, was he not?
Answer. I do not know hardly how to answer that. I do not know what your idea is about a fair man. Now, Robin, I must say, was under a very bad character. Robin was a very bad man; he had the character of being a very bad man.
Question. Bad for what?

Answer. Stealing, lying, and thieving, and talking and making disturbance among his own color, and among other people, too; he was notorious for it.

Question. For stealing, thieving, and what else?

Answer. Thieving and stealing, and telling lies, and talking among his own color, and prejudicing them against the white people, and creating a disturbance generally. I have known Robin a good while, and he was always under this character when he was alive. I lived right by him, and that was his general character.

By Mr. BUCKLEY:

Question. Are not charges such as that brought against every one who is outraged through this whole country?

Answer. O, no, sir.

By the CHAIRMAN:

Question. Did you ever hear of a negro being whipped or killed but what he had a bad character?

Answer. I have heard of them being whipped whom I did not consider were very bad men, but I never heard of one killed except him. He is the only one I have known killed in this country, and I do not know that, only I heard it. I never saw him after he was dead.

By Mr. BUCKLEY:

Question. Do you know Dr. Riddle, who lives in your portion of the country?

Answer. I do.

Question. Do you think any statement he would make about Robin Westbrook would be correct?

Answer. I suppose, as far as he knows, he would be a very correct man.

Question. I understand that Robin Westbrook has a brother on his plantation, and he has seen more or less of Robin, and says he is a negro of very good character, indeed, and he made that statement here.

Answer. Dr. Riddle may make that statement from his brother's character.

Question. He said he knew Robin himself.

Answer. I have known Robin too. He was a bad man.

By the CHAIRMAN:

Question. How long had you known Robin?

Answer. About fifteen years.

Question. Did he ever work for you?

Answer. He worked a little for me before he was killed.

Question. Did you ever have any trouble with him?

Answer. No, sir; I had his wife. I did not hire Robin; I hired his wife, and she proposed to me to get Robin, and I told her, "I know Robin, and I cannot control him," and I did not want him on my place. She says, "If you bring him here I can make him do right." I says, "I would like a little more labor, and if you will do that I will get Robin." I went and got him and hired him, and he worked six or seven days, and quit and went off.

By Mr. BUCKLEY:

Question. Who did you get him from?

Answer. I took him out of jail here, bailed him out. He had been put in jail for some offense.

Question. You had confidence enough in him to bail him out?

Answer. Yes, sir. I did not think he would run away from me, but I told his wife, now, she was responsible to me. I needed some help, and she proposed to me to get Robin. She said "She would go his security, and I should not lose anything." I did not think he would run away, but I did not think he would work. He was not a working man, but ran about and pilfered, and did not live honestly at all.

By Mr. BLAIR:

Question. Was he living on your place when he was killed?

Answer. No, sir; he had moved off.

Question. He had gone away from there?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say you have heard of negroes being whipped; was that done by men in disguise after night?

Answer. I never heard of any.

Question. You never heard of any negroes being whipped by disguised men?

Answer. Not in our county. I do not know; I might have heard of the circumstance happening, and they might have said they were in disguise. I do not know.

Question. Have you heard of any such thing as a Ku-Klux organization?

Answer. O, yes, sir; there is a heap of talk about Ku-Klux in our country.

Question. They are said to go about the country disguised and armed, are they not?

Answer. I heard a good deal said about them. There are all sorts of stories about them—about going horseback and afoot, and being fifteen or twenty feet high, and some little bits of fellows, and all sorts of forms. These are the stories told.

Question. Did you ever hear what they do in riding through the country?

Answer. I have heard rumors about of what they have done.

Question. What were those rumors?

Answer. I have heard of negroes being whipped and white people being whipped—that is, one white man, only one. I only know what I hear; these things float over the country.

Question. You never heard of a negro being killed by Ku-Klux?

Answer. Yes, sir; I heard that this man Robin was killed by them; that was the report.

Question. Have you heard of any other case?

Answer. Not in this county, I do not think.

Question. In what other counties have you heard of the Ku-Klux killing negroes?

Answer. In Choctaw, Greene, and Sumter. There is no end of rumors; they get up such stories in this country just for the purpose of talking about them, the black population, particularly; they are excitable and ignorant, and make such things.

Question. You think all these rumors about the Ku-Klux are mere rumors, not to be believed?

Answer. Do not understand me to say that; I do not know; I do not pretend to say. This man Robin was killed, I am satisfied—whether by Ku-Klux I do not know. I do not know what you would call a Ku-Klux, without it means a man in disguise. I had no reason to believe they were in disguise, for I never heard it said they were in disguise, or whether negroes or white.

Question. I mean to ask whether you believe such an organization as the Ku-Klux Klan has existed in any of the counties of this part of Alabama, who were in the habit of visiting negroes—whipping and sometimes murdering them?

Answer. I have no reason to believe any such thing, for I do not know anything of the sort. Now, I never have seen a man who saw the men who claimed to be Ku-Klux, but some few negroes. There were some negroes taken up and made confession of shooting at one of the citizens there in Jefferson.

Question. That is Dr. Smith?

Answer. Yes, sir; they said this, that they were Ku-Klux.

Question. Did they say they were disguised?

Answer. No, sir.

Question. Did you hear that that confession was brought around by the whipping of a negro named Lewis?

Answer. No, sir; I did not hear it there. I heard it since the court came on there. I heard, too, before that the negro was whipped.

Question. Did you hear that he was whipped to make him confess?

Answer. No, sir.

Question. What did you hear he was whipped for?

Answer. I did not hear he was whipped at all; only I heard that some officers here had examined him, and reported that he was whipped.

Question. What is your belief on that subject; do you believe he was whipped down at Jefferson?

Answer. I have no right to believe so. I was there and heard the confession. I was there—one of the gentlemen investigating the matter before some old gentlemen there; I was one of them; there was no threats, and nothing in the world done to influence the negro to say what he did.

Question. Was Lewis there at that time?

Answer. Yes, sir.

Question. Had he been whipped before that?

Answer. Not that I know of.

Question. How long was that before he was taken to jail?

Answer. Perhaps a day or two; I do not remember.

Question. What was done with him after he was examined?

Answer. After he confessed, sir?

Question. What was done with him?

Answer. He was put in the hands of the officers and taken to jail.

Question. Did they take him to jail immediately?

Answer. I think they did, as soon as the proper authorities got through with him.

Question. Did you understand he was whipped before or after he made this confession?

Answer. I never understood he was whipped at all, only from these men who examined him here.

Question. When did you understand from them that he was whipped?

Answer. They did not know. I did not understand when or where, or under what circumstances.

Question. Did you examine his back to see whether he was whipped, at the time he confessed?

Answer. I did not.

Question. How do you know he had not been whipped?

Answer. I do not know. I do not say he had not been. I did not see anything of the kind.

Question. What did he confess?

Answer. He confessed that he and eight others had banded together to kill some white men in the country.

Question. What white men?

Answer. Dr. Smith was one, Beeman was another, and another was Oakley, and Bradley; they were the four, I heard.

Question. Was he only one who made a confession?

Answer. He is the only one, I heard. After he confessed, I went home and did not go back until next morning, and did not pay much attention, as there was a crowd there; and they went before the magistrate to make the confession. I did not hear any particular confession.

Question. Who else heard the confession?

Answer. Doctor Evans, Mr. Hildreth, Mr. Beeman, Mr. Alston, Mr. Cooper.

By Mr. BUCKLEY:

Question. Give their full names.

Answer. Lewis Simmons, sr., Dr. Josiah Evans, Mr. James Hildreth, William Beeman, Volda Alston, and Mr. A. W. Cooper, I think; I do not know whether he heard it; he heard Lewis's confession, I know.

By the CHAIRMAN:

Question. Where was this confession made—in what room in Jefferson?

Answer. It was made right there; this, I heard, was in front of Mr. Hudson's store.

Question. Were you and the others called up as witnesses to hear the confession?

Answer. Well, I suppose we were requested to examine and find out.

Question. Who conducted the examination?

Answer. Well, no particular person; Mr. Cooper sometimes, and Dr. Evans sometimes, I suppose. There was no leader in the committee.

Question. Who called that committee together?

Answer. The citizens there might. I do not know. I was requested by some of the citizens.

Question. I want to know who requested you?

Answer. I do not remember who it was.

Question. Was Dr. Smith present at the examination?

Answer. I think he was about there, sir; I am not certain. I did not pay any particular attention whether he was there or not. I would not know. I know these other men.

Question. He was the party most interested in the matter, was he not?

Answer. Of course, he was interested in it.

Question. Did Lewis confess that they had fired upon Smith?

Answer. He did; he said they had fired upon him.

Question. Did he confess that they had fired upon him with the intention of killing him?

Answer. Yes, sir.

Question. How near to Smith did he say they stood?

Answer. He said one of them was as near as I am to you, (eight feet.)

Question. How near were the others?

Answer. The first man was very near him and frightened his horse, and the horse turned and ran back, and ran away right by the others; they were posted along a fence in a sort of ambush, and he passed them all in going back until he got to the last one, and that frightened the horse and he ran back again and passed the others, and they fired as he passed. That was the confession of the boy and that was Dr. Smith's statement.

Question. They were very close, then, to him?

Answer. Yes, sir.

Question. How many shots were fired; did Lewis say?

Answer. There were different opinions about that; he did not know and nobody else; there were a good many, they said. I did not see it myself.

Question. How many did Smith say?

Answer. They could not tell; they all fired, in a sort of confusion altogether. Some supposed eight or ten.

Question. Was that a moonlight night?

Answer. I do not remember whether it was or not.

Question. Was Dr. Smith or his horse shot?

Answer. No, sir.

Question. Neither of them were injured?

Answer. No, sir; that is what he said; I never saw it.

Question. Did it ever occur to the committee in that examination that it was a most remarkable escape, that ten men lying in ambush so close to Dr. Smith could have fired upon him and neither he nor his horse harmed?

Answer. It was a little uncommon, it is true.

Question. You would think they were very bad marksmen?

Answer. I know the negroes are all that way—they are excitable creatures.

Question. Would you think it possible that ten shots should have been fired at a man and his horse so near as they were, and not one take effect?

Answer. Yes, sir; that is very possible; with them that is possible, from the fact that the first shot frightened the horse so that he was in full speed in the night, and in a sort of bush.

Question. But I understand the horse wheeled and came right past the men in ambush?

Answer. That is the statement of the negroes, that the horse ran back and was near all of them.

Question. Did the committee think the whole tale a little marvelous?

Answer. No, sir; they believed it every bit true. They believe the statement of the negroes, and I believe it too; and every other man who heard it believes it. I have no doubt in my own mind but that they told the truth. There was some little variation in the statement of it, I suppose. I did not hear all of them, but I heard others talking about it.

Question. From the evidence it appeared that those unskillful marksmen were within eight or ten feet of Dr. Smith at that time?

Answer. I suppose the first ones, from what I heard and their statements, were not more than eight or ten feet; the others might have been further; they might have fired after he passed; they all fired in confusion—a sort of muss.

Question. Was one charged with this attempt upon his life a negro boy, and did he make a confession that he fired a shot, and was he afterward discharged upon learning that he was home on that night?

Answer. I did not hear these boys who were discharged there make any confession.

Question. Did you hear of such a case as that?

Answer. I heard that they never fired, and that they were not there, but they had been there and broken ranks; but I do not know that. I heard that was so; I talked very little with them.

Question. You asked the question of Lewis, did you not?

Answer. I did. He was the first one made confession. He was the leader of the band.

Question. Did the others make confession?

Answer. Yes, sir; they said they did; I do not know.

Question. All of them made confession?

Answer. I heard so. I did not hear it myself.

Question. You heard only Lewis's confession?

Answer. I heard one or two others, perhaps, say that it was all so; that they were guilty; but I did not quiz them to inquire. After I got the first statement I was satisfied the boy had told about the truth, and I did not care for any more.

Question. You have no information or belief that Lewis, at the time he made that confession, had been whipped?

Answer. I have no reason to believe he had, for I did not examine him or hear any talk of it.

Question. Is it your supposition that if whipped at all he was whipped after he made the confession?

Answer. I have no idea when he was whipped.

Question. You believe he was whipped?

Answer. I reckon he must have been, from the statements of these men who examined him.

Question. A whipping would be deemed by you the best method of compelling a confession, would it not?

Answer. Well, no, sir.

Question. What would he have been whipped, after he had made the confession, for, on his way to jail?

Answer. I do not know.

Question. There would be no motive to whip him after he made the confession on his way to jail?

Answer. I do not know of any. I do not know that they had any occasion to whip him at any time.

Question. Who was it reported whipped him?
Answer. I never heard who did it.

By Mr. BUCKLEY:

Question. This party were arrested, were they?
Answer. Yes, sir; these negroes were.
Question. Soon after this offense?
Answer. Yes, sir; by a writ issued by the magistrate there and the sheriff; they had the sheriff there.
Question. Was it the sheriff or deputy sheriff?
Answer. The deputy sheriff.
Question. What was his name?
Answer. Giles, I think, sir.
Question. Did Mr. Giles, the deputy sheriff, make the arrests of these parties?
Answer. He was with them. There was a posse of men summoned, but I did not go with them.
Question. Summoned by whom?
Answer. By Mr. Giles.
Question. To make the arrest?
Answer. Yes, sir; there were a good many scattered about the country.
Question. But they were arrested and brought up to Jefferson?
Answer. That was my impression; I do not know now; I did not see the writs nor inquire into it.
Question. In whose charge were they at the time you saw them?
Answer. Mr. Giles's. I saw him start off with a posse, and he was there, and I knew him to be a deputy, and he was acting as such, and had them in charge.
Question. He was present at the time the committee met, was he?
Answer. I think he was there; I do not say for certain, but I know he was there during the day.
Question. Was there any officer present when the committee met?
Answer. I do not know, unless he was there, and I would not say he was or was not; I do not remember.
Question. Was Mr. Giles the person who arrested these parties, or was it a deputy constable in the neighborhood?
Answer. I know that Giles arrested all except Lewis; I do not know who arrested him, but he was there; I know when he made the other arrests, for I saw him that morning in the court.
Question. You never heard, then, that Lewis was whipped?
Answer. Yes; I heard it after they were brought to jail here.
Question. Did you hear that any other one was whipped?
Answer. No, sir.
Question. Did you not hear that Lewis was whipped after his arrest and while in possession of an officer?
Answer. No, sir; I did not.
Question. You made no examination of him?
Answer. No, sir.
Question. He said nothing about it to the committee?
Answer. No, sir, he did not, that I heard. I was not there all the time. I was there when he made his confession, but not all the time.

By the CHAIRMAN:

Question. Have you been subpœnaed as a witness to attend court to prove this?
Answer. Which court?
Question. To attend the court which has jurisdiction over the offense; you say they are in jail?
Answer. Yes, sir.
Question. You are a witness, are you?
Answer. I think I was subpœnaed, sir. I do not know on what side.

By Mr. BUCKLEY:

Question. Have you been to the trial yet?
Answer. No, sir; the trial has been put off.
Question. The trial was set for Friday, yesterday, was it not?
Answer. I heard so.
Question. Were you at Linden yesterday?
Answer. No, sir; I did not get my subpœna until yesterday evening. It was left in the hands of a young man to give to me, and he did not do it until, I believe, yesterday evening.

By the CHAIRMAN:

Question. Which side put the trial off?

Answer. I did not learn.

Question. I wish to ask this further question, Mr. Kelly: suppose the same effort had been made to discover the murderers of Westbrook that was made to find out who had fired on Smith, do you not think the guilty parties would have been found?

Answer. Well, I do not know. I cannot say. It is true, the black people took no interest in that, and, I suppose, the white people did not either, much, except the coroner had called in question the thing. I heard that; I was not there; but that was what I heard; that the coroner called in and quizzed, and took down testimony.

Question. You did not hear that he caused any white man to be whipped to discover who the murderers of Westbrook were?

Answer. No, sir; I did not hear that.

Question. Are you a native of the State of Alabama?

Answer. I am; and a native of this county too.

DEMOPOLIS, ALABAMA, *October* 28, 1871.

EMANUEL ADLER sworn.

The CHAIRMAN. This witness having been called by the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. You live here, I believe, Mr. Adler?

Answer. Yes, sir.

Question. What business do you conduct?

Answer. I am a merchant.

Question. Do you know Mr. Neibling?

Answer. I do, sir.

Question. Did you employ him?

Answer. I employed him as a book-keeper, but he never did any work for me.

Question. Why did you discharge him?

Answer. I did not exactly discharge him. He came to me and told me he would like to serve as book-keeper. I told him if he was competent, and gave me a good recommendation, I would take him. He gave me the name of Major Glover, and I employed him at $75 a month, to commence with me two weeks after I employed him. When the time came he told me he had received a letter from his mother—his mother was a widow—for him to settle up his father's estate, in Finley, Ohio, and if I would let him off he would be very glad. I told him I could have got several other book-keepers since that time, but still I let him off, and he went home.

Question. You did not discharge him because you were threatened that it would injure your business?

Answer. Not at all. I had him already employed; in fact he came to me and told me if I would let him off he would be under obligations to me. I had a letter from him about three weeks ago, asking, if he would like to come back South, if I had an opening for him, or knew anybody had an opening. I wrote him I did not know anybody now, but if I did I would let him know.

Question. He wrote to you, asking to come back?

Answer. Yes, sir; about three weeks ago, from Finley, Ohio.

By Mr. BUCKLEY:

Question. Were you ever told by any one that if you employed him it would injure your business?

Answer. Yes; a man came to me once and asked me if I employed him. I said yes. He said I might get into difficulty below here, and it might injure me. I told him I could not see why it would, and I should take him. Mr. Sharp, of Alabama, a merchant here, told me he would take him himself. He is one of the most prominent merchants here, and urged me not to let him off when he wanted to go away—to keep him.

Question. That is the only instance in which any one told you your business would be injured if you employed him as clerk?

Answer. Yes, sir; because he had got into a difficulty, and I did not know why it was. That is the only instance, but it did not have any effect on me whatever.

DEMOPOLIS, ALABAMA, *October* 28, 1871.

ROBERT CHRISTIAN sworn and examined.

The CHAIRMAN. This witness having been called at the instance of the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. State your residence and occupation.

Answer. Uniontown, Perry County, Alabama; I am a lawyer by profession.

Question. How long have you lived in Perry County?

Answer. I have lived seventeen years in Perry County.

Question. What public positions have you held?

Answer. I never held any until after the commencement of the war, when I was elected justice of the peace in that county. I filled that office until 1867—from 1861, the latter part of 1861, to November, 1867, I think.

Question. Were you at any time an agent for the Freedmen's Bureau?

Answer. Yes, sir.

Question. How long?

Answer. General Swayne issued an order recognizing civil magistrates as agents of the Bureau, provided they would consent to accept the position at the instance of the community. I consented to serve, and qualified, and served for—I do not remember accurately the time—eighteen months, though, at least; may be more than that.

Question. When did you qualify?

Answer. Early in 1866.

Question. I wish you to state the condition of affairs in your county since the war up to this time; and whether the laws have been executed; and whether peace and good order have been maintained in your county.

Answer. There have been a great many acts of lawlessness, but I request you will interrogate me on the points you wish to be informed about.

Question. Generally, has peace and good order been maintained, and have the laws been executed in your county?

Answer. Yes, sir; the laws have been executed, so far as I know, with as much promptness as usual. In that community there are a great many acts of lawlessness, as I said before; they are chiefly confined to the freedmen; the most of the cases that come before our courts are between freedmen; difficulties, and squabbles, and quarrels between them constitute the principal business of our courts now.

Question. Are the civil officers of your county mostly republican?

Answer. They have been heretofore exclusively so, almost exclusively so. We have had some justices of the peace who were of the opposite party, but until recently all the county offices, without exception, have been filled by republicans, the most of them by the northern Army when they took possession of our country; most of the officers belonged to the Eighth Wisconsin Regiment, which was sent to garrison. The probate judge and circuit clerk, the sheriff, were all members of the Eighth Wisconsin Regiment.

Question. And all elected in 1868?

Answer. Yes, sir; the first election under the constitution.

Question. Can you inform me whether these officers sold out their places?

Answer. I do not know it of my own personal knowledge; that is the general belief and impression in the county; I believe nobody doubts it or has or ever denied it.

Question. Did you ever hear any one say so, upon whom you could rely?

Answer. Yes, sir; Major Modawell, of Marion, told me on yesterday that he had undoubted evidence, certain evidence, of several of the sales and transfers of offices, the sheriff, and probate judge, and the past solicitor, he who was the solicitor; he is an Alabamian; both the present and the past solicitors were Alabamians; he was a member of the republican party, Mr. Reid. I will state in these transfers there was some transfer of property, which was more or less valued, which was considered a mere cover to the transaction.

Question. That the purchase of the property included the purchase of the office?

Answer. Yes, sir; that was the belief.

Question. And the price was given for the property?

Answer. Yes, sir; an inadequate price.

Question. What was given for the office of probate judge?

Answer. Five thousand dollars, I understood.

Question. What was his name?

Answer. B. S. Williams.

Question. What was given to the sheriff?

Answer. He sold out for fifteen hundred, so it was said; he was in a difficulty—charged with having released a prisoner who was under charge of murder—and he had to make up his accounts in a short time; that was the belief; for it was the most valuable office in the county—worth more than the others.

By Mr. BUCKLEY:

Question. How was this prisoner released?

Answer. Well, sir, there was a jail delivery by breakage of the doors.

Question. By men in disguise?

Answer. No, sir; nobody knew how the jail was opened; it was found open and this man gone. He was charged with a very aggravated offense.

Question. Opened in the night?

Answer. Yes, sir.

By Mr. BLAIR:

Question. What was the man in for?

Answer. Charged with murder. The venue had been taken from Dallas to Perry County. He belonged to a wealthy family named Vaughan; his sister and brother came there, it was understood, for the purpose of making some arrangements for him, and a short time after he was missing, under these circumstances; this man was a drunken, worthless fellow; his name was Williams, too—a brother of the judge of probate—and he is reported to have bragged about the good speculation that he had made in turning out a jail-bird, which got to be bruited about, and he resigned his office in favor of another member of the republican party—at that time State Senator Wyman. Wyman resigned his office, and Governor Smith appointed him sheriff of the county; perhaps it would be more accurate to say Wyman sold the office, than Williams did, for it is universally believed that Wyman was holding it for his benefit, and that Williams got the money that Wyman sold out for. Williams was going to be ruled, too, by nearly every attorney at the bar for misappropriating money; made no excuse for not paying it over.

Question. What was the name of the circuit clerk?

Answer. D. H. Slawson; he was a member of the Eighth Wisconsin Regiment also.

Question. Did he sell his office?

Answer. They say so.

Question. Who say so?

Answer. The public, generally; it is generally believed. I know nothing of the transaction, certainly. These things all occurred, except the first transfer, Williams's sheriffship, in quick succession.

Question. Did those gentlemen remove from the county?

Answer. Yes, sir; they all left.

Question. And went home?

Answer. I do not know, sir; they left the county.

Question. Do you know of any other similar transfers of offices?

Answer. No, sir, I do not, except those in Perry County.

By the CHAIRMAN:

Question. Are you a native of the South?

Answer. Yes, sir.

Question. Of what State?

Answer. Virginia.

Question. How long have you lived in Alabama?

Answer. Seventeen years.

Question. Were you here during the war?

Answer. Yes, sir.

Question. Were you a member of the confederate army?

Answer. I was not.

Question. How did it happen you were not in the army?

Answer. I was rejected by the medical board, sir.

Question. Do you act and vote with the conservative party?

Answer. I act and vote; I was always a democrat, and if the democratic party is a conservative party, I act with it.

Question. What is the democratic party here called, democratic or conservative party?

Answer. We call it the democratic party, I believe, very generally.

Question. Of whom does the conservative party consist—of what class of your fellow-citizens?

Answer. If there is any party organized as a conservative party, I suppose it is identical with the democratic party.

Question. Are they called sometimes by one name and sometimes the other?

Answer. I think our executive committee two years ago put out the ticket as the democratic and conservative ticket; that is the first time I recollect the designation being adopted.

Question. You spoke of a great many acts of lawlessness having occurred in Perry County; have you ever known or heard of any black men being whipped?

Answer. Yes, sir.

Question. Whipped by bands of men in disguise?

Answer. No, sir.
Question. Did you ever hear of their being whipped at night?
Answer. No, sir; unless some personal altercation occurred.
Question. Did you ever hear of any murders being committed in Perry County by bands of men in disguise?
Answer. No, sir; there is no such instance within my knowledge, or that I have ever heard of.
Question. Have you ever heard of the Ku-Klux Klan being in Perry County?
Answer. No, sir. I will state that it was said that a band of disguised men went to the jail in Perry County, on one occasion, to demand a prisoner.
Question. What prisoner?
Answer. I have forgotten his name; he was a negro, charged with killing an old printer, in Marion, named Stillings.
Question. Did they get him out of jail?
Answer. No, sir.
Question. How did they fail?
Answer. The report is, that they called on the jailer and made a demand for him, and that the jailer's wife interceded, and asked them not to use any violence, and they retired without getting the prisoner or breaking the jail.
Question. How large was that band?
Answer. I heard there were forty, about.
Question. Were they said to be disguised?
Answer. Yes, sir.
Question. Where did they come from?
Answer. It was reported that they passed through Greensborough the day before. I heard, also, that it was supposed they came from Pickens County.
Question. What was the negro put in jail for?
Answer. For knocking a feeble old man in the head with a paling, which he tore off of a fence.
Question. Killing him?
Answer. Yes, sir; he died. He is under trial now.
Question. Was it supposed these men intended to take him out and lynch him?
Answer. That is the general impression.
Question. Is that the only body of disguised men you have heard of in Perry County?
Answer. Yes, sir.
Question. You never have heard of any colored people being whipped or otherwise maltreated by bands of men after night?
Answer. Never, sir.
Question. And your laws have been generally well executed, have they, up there?
Answer. Well, sir, in my part of the county, that I can speak confidently about, I do not think the laws have been very well executed by our circuit judge.
Question. Who is he?
Answer. The present judge is Judge Saffold. We have had one judge—J. Q. Smith—several terms in our court.

By Mr. BUCKLEY:

Question. Does he live in Perry County, Judge Smith?
Answer. He formerly lived in Perry; he now lives in Selma.
Question. He has a large interest in Perry County?
Answer. I think he has an interest in a plantation, himself and his brother.

By the CHAIRMAN:

Question. Was complaint made against his administration as judge?
Answer. Not in any political sense.

By Mr. BUCKLEY:

Question. He is a democrat, is he not?
Answer. I believe he calls himself so now. He was elected as a republican. I spoke of him merely as a lawyer. You asked if the laws were executed.

By the CHAIRMAN:

Question. What was the fault found with him as a judge?
Answer. Ignorance of the law.
Question. Are the county offices now held by democrats?
Answer. Some of them are.
Question. What offices?
Answer. The probate judgeship is held by a democrat.
Question. Who is he?
Answer. A. C. Howse.
Question. Who did he buy the office of?

Answer. Of B. S. Williams.
Question. Williams was a republican?
Answer. Yes, sir.
Question. And Howse was a democrat?
Answer. Yes, sir.
Question. So that there was a democrat and republican mixed up in that sale and transfer?
Answer. Yes, sir.
Question. I understand you to say the price paid was $5,000?
Answer. That was the report, sir.
Question. Are both parties equally condemnedby the community for that transaction, the buyer as well as the seller?
Answer. I have heard very general disapproval of the transaction.
Question. Of the entire transaction on both parts?
Answer. Yes, sir, on both parts; and of our governor in sanctioning it?
Question. Governor Lindsay?
Answer. Yes, sir.
Question. He is a democratic governor?
Answer. Yes, sir. I have condemned him, and I have heard many others do it.
Question. You have no knowledge, yourself, that such a sale was made, have you?
Answer. No, sir.
Question. Is your present sheriff a republican or democrat?
Answer. He is a democrat?
Question. What is his name?
Answer. H. H. Mosely.
Question. Who did he buy his office of?
Answer. I cannot say whether he bought it of Wyman or Williams.
Question. Were both Wyman and Williams republicans?
Answer. Yes, sir. The transaction was made through Wyman. He was nominally and really sheriff at that time, but, I believe, he held it for Williams's benefit.
Question. What is it reported the present democratic sheriff paid for his office?
Answer. Fifteen hundred dollars.
Question. Is that transaction condemned by the community?
Answer. It is, sir.
Question. The present occupant of the office is held equally criminal with the one who sold, is he?
Answer. Yes; as far as that transaction is concerned.
Question. What is the next office reported to have been sold?
Answer. The office of circuit clerk.
Question. Who holds that office now?
Answer. A young man named Jones Seawell.
Question. Is he a republican or a democrat?
Answer. He is a very young man, but I think he acts with the democratic party.
Question. Did he buy the office of a republican, is it reported?
Answer. Yes, sir.
Question. For how much?
Answer. I do not know that I ever heard.
Question. But it is believed that there was a purchase and sale?
Answer. Yes, sir.
Question. Is that transaction condemned?
Answer. It is, sir.
Question. So, then, in these transactions, corrupt sales of offices, democrats and republicans are equally implicated and equally condemned by the community?
Answer. As far as the transfers of the offices were concerned, I think that is the sentiment.
Question. Any other offices reported to be sold?
Answer. This solicitorship.
Question. Who is your solicitor now?
Answer. Mr. Brown.
Question. Republican or democrat?
Answer. Democrat.
Question. Who did he buy of?
Answer. Rufus Reid.
Question. A republican or democrat?
Answer. Republican.
Question. How much is Brown reported to have paid Reid?
Answer. About $4,000, I think.
Question. It must be a good office, in Perry County?
Answer. There is very little civil business, but an infinite amount of criminal cases—petty cases, that pay well.

Question. Is Mr. Brown condemned by the democratic party for the transaction?

Answer. I have heard many, as I said before, condemn the whole transaction, with whom I have talked.

Question. Does the condemnation fall equally upon both parties to the transaction?

Answer. I do not know, sir. I scarcely know how to answer that question. I say they condemn both parties.

Question. My question is, whether the condemnation falls equally upon democrat and republican.

Answer. I cannot answer that, sir.

Question. Have these democrats who have bought these offices lost caste with their party?

Answer. I think they have, sir. I have heard them condemned for it, all of them. I condemn them all.

Question. Does that leave any republicans in office in Perry County?

Answer. I do not know that there are any.

Question. Then you have a happy condition of things—all the offices in the hands of democrats, who have purchased their offices?

Answer. I do not know, sir; not very happy. We are not in a very happy condition. Our county has been left in a miserable condition by the previous transactions. I do not know when they will be righted.

Question. Do you think the purchase of these offices would be any impediment in the way of the present holders of the offices from being elected, if they were candidates?

Answer. It would depend entirely on who opposed them. I think in the party convention it would militate against them.

By Mr. BUCKLEY:

Question. Did you ever hear, Mr. Christian, that on or about the 25th day of January last, two or three nights preceding the election to fill a vacancy in your county, bands of disguised men were seen to ride through your town of Marion, county-seat of Perry County?

Answer. What election was that?

Question. An election held about the 25th of January of this year, to fill a vacancy caused by the resignation of Wyman, who was your State senator from that county.

Answer. A special election; I recollect it. No, sir; I do not remember any band of disguised men.

Question. Did you never hear that two or three nights preceding the election a band of twenty-five or thirty disguised men rode through the streets of Marion, on several occasions?

Answer. No, sir.

Question. Were you in Marion?

Answer. No, sir; I live twenty-one miles from Marion. I never heard of any disguised bands in Marion, except when they demanded that prisoner from the jail.

Question. Was it about that time they went to the jail and demanded a negro prisoner of the jailer?

Answer. That is the case I spoke of. I do not know whether it was about election time or not.

Question. Did you understand that these men were armed with double-barreled shotguns and Winchester rifles?

Answer. No, sir; I heard that they were armed. I do not know how.

Question. You heard they were in disguise?

Answer. Yes, sir.

Question. Did the jailer surrender the keys on that occasion?

Answer. I never heard that he did. My impression is that he refused to do it.

Question. And defended the jail?

Answer. Yes, sir; proposed doing it.

Question. And that the party finally retreated?

Answer. Yes, sir; I will state more fully than before. The report that came to me was, he was a Mason. I know he was, because he used to be a member of my lodge. He gave them some Masonic token which was recognized, and about that time his wife appeared on the scene and besought them not to use any violence, and they departed, but he declared his determination to defend the jail.

Question. What was the negro's name who was confined?

Answer. I do not remember his name. He was confined on a charge of killing a man named Stillings.

Question. Do you recollect the circumstances?

Answer. I never heard the case in court; I saw the newspaper account of it.

Question. What was that; do you recollect?

Answer. Yes, sir; that this gentleman met him; that this negro was walking with his wife or some other negro woman.

Question. Carrying a basket of clothes?

Answer. Yes, sir; and they came in collision in some way, and the negro snatched a paling from the fence, and struck him on the head, which resulted in his death, finally.

Question. Did you hear that the basket touched this gentleman's, Stilling's arm?

Answer. I believe that is the name.

Question. That the pavement was narrow, not much wider than four feet?

Answer. The newspaper report was that they jostled him very violently.

Question. And that Mr. Stillings pushed him from the side-walk, and struck her?

Answer. I never heard that he struck——

Question. And that her husband then pulled a paling from the fence and struck him?

Answer. I never heard that he struck her.

Question. Did you hear that in the month of May last any disguised men were seen riding in the town of Marion, in Perry County?

Answer. No, sir; I never heard it, unless it was on that occasion. I have forgotten the time of that. I am satisfied it was before May.

Question. Did you ever hear that a colored man, in May, named Isaac Hill, was taken out and whipped, in Perry County?

Answer. No, sir; I never heard of the man before, sir.

Question. Within fifteen or twenty miles of Marion?

Answer. No, sir; I never heard of the man or the transaction. The county of Perry is a very long one; I live in the extreme southern end of it. These things might occur in the other part of the county without my knowledge.

Question. Did you ever hear that Alfred Darling, a colored man, was beaten, in February last, very severely?

Answer. I do not think I ever heard the name before, sir.

Mr. BLAIR. Where, in Perry County?

Mr. BUCKLEY. It was near the edge of Hale County, the exact location is not mentioned.

The WITNESS. That may be very near my place of residence, or very remote; Hale borders us a long distance. I never heard of it before.

Question. Did you ever hear of the case of Monie Hartley and her son, shot, about the middle of April last, in your county?

Answer. I never did, sir.

Question. About fifteen miles from the county-seat?

Answer. I never heard of it.

Question. Did you hear that up toward the edge of Bibb County, either in Bibb or very near the county-line between Bibb and Perry, some colored men were taken out who had been living on the place of a man named Greathouse, and severely beaten and whipped by men in disguise?

Answer. No, sir; I never heard of it. That is some forty miles or more from me. I never heard of any disguised men in Perry County, except upon one solitary occasion.

Question. Did ever hear that a colored woman, Katie Lagrone, who had been living with a gentleman by the name of Blackburn, was taken out and whipped by disguised men, in Perry County?

Answer. I never did.

Question. Did you know a gentleman by that name in Perry County?

Answer. I used to know a gentleman in what we called Polecat beat, some distance from me, by that name; I have not seen him for years.

Question. Did you ever hear of a gentleman by the name of George A. Clark, who had been a teacher in Sumter County, and came to Perry County, who was very badly beaten before he came there, and finally left Perry County, because he could not teach his school there with safety.

Answer. I do not think he ever lived in Perry County.

Question. He was engaged there a short time as teacher of a school, I was informed.

Answer. He might have been there. I have heard of the man and his being involved in difficulties in Sumter.

Question. An Englishman, or subject of Great Britain?

Answer. I believe that is reported.

Question. I desire to ask, in connection with the offices of which you have spoken, is it not a fact that Judge Williams owned real estate in Marion, which he sold when he left the State, and that that was the only sale he did make?

Answer. Well, sir, if Judge Williams owned any real estate, I never heard of it.

Question. Is it not a fact that he owned a house and lot in which he lived there?

Answer. He might have owned it; I do not know; I will not say that he did or did not own it.

Question. Is it not a fact that Judge Williams sold that real estate, and it was the condition and the only condition that before he left there he would be compelled to sell that property, and the property was sold, and when he had sold his real estate he resigned his office?

Answer. No, sir; I cannot say that; I do not know it.

Question. Do you know anything to the contrary of that statement?

Answer. No, sir; I know nothing to the contrary; I do not know that he did not own property, and did not sell it. As I said previously, I believe that in all these cases there was some transfer of property, either personal or real, but if Judge Williams ever owned any real estate in Marion, I never heard of it.

Question. He might have owned real estate, and you not have known it, you not living there?

Answer. Yes, sir.

Question. Judge Williams came there as a planter, did he not, and for a long time run a large plantation in your county?

Answer. He was interested with several other parties in running a plantation.

Question. A long time before he had any idea of getting an office?

Answer. Not a great while.

Question. He had no idea of getting an office until after the reconstruction acts?

Answer. No, sir.

Question. When did he come?

Answer. He was with the Eighth Wisconsin, and they were sent to our county—I forget the month—about the latter part of 1865.

Question. He remained from 1865 to July, 1868, before he had any opportunity of entering any office?

Answer. I do not know whether he was all the time in the county; my impression is, he went home and returned in time to commence planting operations next year.

Question. So you do not know but what he might have transferred real estate and nothing else in this sale?

Answer. No, sir; I have no knowledge of his resources or his debts.

Question. You do not know whether he ever sold or traded on the suffrages of the people in your county, in any shape or form, that is, in the sale of his office?

Answer. I only know it from general rumor and reputation.

By Mr. BLAIR:

Question. Do you know it from such information as you deem to be reliable, and do you believe it to be the fact?

Answer. I do, honestly, and so does every man in Perry County, I believe, to-day.

By Mr. BUCKLEY:

Question. The only ground of your belief is the rumors you have heard?

Answer. Yes, sir; the report, and the fact of the substitution of one officer for another.

Question. That was only the case with your sheriff, I understand?

Answer. No, sir; it is the case with all of them.

By Mr. BLAIR:

Question. You say it is the belief of every man in Perry County that these officers sold their offices?

Answer. It is the belief of every man I have ever heard speak of it; and I have heard hundreds; I do not know how many. I suppose Judge Williams would not pretend to deny it.

By Mr. BUCKLEY:

Question. Have you ever heard that Judge Blackford, of the adjoining county of Hale, sold his office?

Answer. No, sir; I have heard that he did not.

Question. Was that recently?

Answer. I have heard it all along that he did not sell, that he resigned; I do not know whether it is so. I do not have the same intercourse with that county I have with my own.

By the CHAIRMAN:

Question. How often were you in the habit of visiting the county-seat of Perry County?

Answer. I attend our regular terms of our circuit court about twice a year; it sits a month, and I go there on probate business and county business frequently, sometimes twice a month, sometimes not for three months at a time.

Question. Do you move about through the county much, or confine yourself at home?

Answer. I stay at home very closely.

Question. Then it is quite possible that all these instances of outrages referred to by Mr. Buckley, in his questions, may have occurred in Perry County, and you not have heard of them?

Answer. It is possible, but not very probable, though.

LIVINGSTON, ALABAMA, *October* 30, 1871.

ALLEN E. MOORE sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.
Answer. Livingston, Alabama; sheriff of Sumter County.
Question. Are you a native of the State of Alabama?
Answer. I am, sir.
Question. How long have you lived in Sumter County?
Answer. Nearly four years.
Question. How long have you held the office of sheriff?
Answer. Next November will be two years.
Question. Do you hold your office by election?
Answer. By appointment, sir.
Question. Are you pretty generally acquainted through the county?
Answer. I am, sir.
Question. Your county has a population of a little upward of 24,000?
Answer. I believe so, sir.
Question. Of that number, I notice, by the census of 1870, that the blacks number 18,907, and the whites 5,202.
Answer. Yes, sir.
Question. Are you acquainted with the colored people pretty generally?
Answer. Yes, sir.
Question. You may state to the committee the particulars of the rescue of a negro from the jail in this place, which is said to have occurred in the fore part of this present month.
Answer. I can do so. I will give all the particulars, and you can judge for yourself. I think it was on the 29th of September last, as far as I recollect just now. I had been riding through the country preparing for the circuit court here. I had had the chills for several days riding on the road. I had nobody to help me and was attending to my official duties. I came home that night and was quite unwell. I had a chill that day. There was some company at my house and they left about half-past 10 o'clock or later; I didn't pay attention to that particularly, I was trying to get to sleep—lying down after the young gentleman left that was visiting my niece. She came in and said, "I am cold." I remarked to her, "My dear, you had better sit by the fire and warm your feet and go to bed." At this time, after the thing got quiet, I dropped to sleep myself. I don't know how long I had been asleep, (I suppose only a few minutes, as the time proved,) when she knocked at my door, and says, "Uncle, somebody is calling you at the door." I said, "Who, my dear?" and I jumped up. I was sleeping on the back side of the bed near the wall, and before I got out, she said, "La, uncle, the yard is full of men." At this time they kept hammering on the front door. The door of the jail was locked on the outside always. The front door is always locked at night. The back door is always barred. I jumped up and ran to the window, close to the door in her room, and threw up the sash and opened the blinds.
Question. Do you live in the same building which is used as a jail?
Answer. Yes, sir; my residence is under the jail. I opened the sash and threw back the blind, and asked, "What will you have?" They said, "We have a prisoner here." I said, "What is he charged with?" "Horse-stealing," they said. Said I, "Let me have your mittimus that is to commit the prisoner to jail." Says he, "We have none." Says I, "Gentlemen, you have come to the wrong door to get in here. You know I am an officer of the law; I can't take a man unless he is properly committed." That seemed to call them to a halt. Says I, "You had better go and consult an attorney about this thing. If you will go around to the back part of the jail, I will go to the back window and point you to an attorney's office, where he lives, and he can guide you what to do." I went around to the back window, through my niece's room, to the back room where I was staying. I threw up the sash and opened the blinds, and found that none of them appeared. I saw, finally, one man coming down to the side gate on the west side of the jail, and I hallooed to him, "Over yonder is the way to go to that house." By that time my niece entered, and says, "Uncle, they are knocking at the door again for you," and they commenced just then knocking, half a dozen hands or more. My wife asked me what it meant. I said, "I know not what it means." I went again to the same window that I opened before, and threw up the sash, and didn't have time to fix it, and held the sash raised between my shoulders; threw open the blinds, and held my hand on the outside of the sill of the window, and by that time there was about fifteen or twenty of them; that is my surmise of the number. One of them drew out—as I could see, for the moon was shining almost as light as day—jerked out his pistol, and says, "Doctor Moore, we want Zeke High. We must have him, and we will have him;" and then, at the same time, a man grabbed at my hands, and catched in that way by the middle finger of the left hand, [illustrating.] Said I, "Gentlemen, this is a strange proceeding. I thought that a thing of

that sort had played out in this country." One of them remarked, "We don't care a damn about it's being played out; we want Zeke High. If you won't open the door, give us the keys, or we will have to go to the extreme of burning down the house. We are going to have him." Says I, "If that is your intention, let me loose, and I will go and get you the keys." No one said anything for some time. One of them said, "Doc, give me the keys." Says I, "Keys, hell! how can I get away? This man has me by the hand yet." They had great long navy six-shooters, and by this time a dozen of these six-shooters and navy revolvers and guns of every kind were out. Says I, "I can't get loose." I heard some of them laughing. One says, "Doc, give me the keys." Says I, "Keys, hell! there's that fellow holding me by the hand. How can I get loose to get you the keys until this man lets me loose? I don't think my finger or arm will hold on until I can pull him through the window." I heard some of them laughing and snickering. One of them said—he seemed the head leader—"Tell your wife to bring them." I turned my head, and said, "Mother, bring me the keys here." Woman-like, all over the world, she was excited, of course. She brought me the keys, going up stairs for the cell key. She, like any other woman, started and says, "You are not going to hurt Doctor Moore?" He says, "Madam, we love Doctor Moore, and won't hurt a hair of his head; but we want Zeke High. If you will be quiet, we won't hurt you, but if you commence to row, we will not answer for the consequences." She was all in a shiver, and I says, "Mother, go and look on the mantelpiece, and bring the front-door key." Then she brought them, and I gave them up. I says, "Now, gentlemen, let me go; I am sick and want to lie down, and would rather you would go away." The man applied the key to the door to open it, and this man let me go, and they all went inside of the house. They started into my house, into my niece's room, and I said, "Gentlemen, by God, go back; this is a private arrangement, and the ladies are not fixed to see gentlemen." The leader said, jumping back, "O, I am very sorry; I thought that was the way to the jail." He says, "Come back." He says, "Open the door for us." I says, "By God, I am still in the same fix; this man is holding me by the finger." Then he told him to let me loose. The fellow stood there holding me, and holding his pistol right before me. He could have shot me all to pieces in a minute and a half. He says, "Tell him, God damn him, to let him loose," and the man let me loose. I started to the door and started out. This man walked up and gathered me by the arm, and walked to the door that goes to the jail, and says, "Open the door." I says, "You have got all the keys; you can unlock it yourselves." He says, "Here is the key, damn it." Then I unlocked the door and went up and went to the second door. I opened that door, and says, "Here you are in the jail now; I will go back; I am sick." He says, "You go with us. There's no use in talking, Doc; we are going to have him. We know you; we love you; we know you have done right and honest, but you must and shall go with us." I didn't know who the devil they were, and didn't know how to get along with them. I thought I would go. I went up and unlocked the door. They said, "Show us the cell." I said, "Here he is." I went up and unlocked the top lock of the cell. I hadn't unlocked one of the cells before in four months. There's about twenty keys on the string, and I had to unlock the different cells, and of course I could not recollect all the keys, but fortunately I happened to strike the key of the top lock and opened the lock. Well, I was very sick, and it was very cool that night, and I was in a condition, of course, like everybody else would have been with an armed mob about him, who didn't know who was his friend, or didn't know whether anybody was on earth, and I felt kind o' shaky. I had a negro up there, a prisoner in the jail for murder. I had taken him out and made him a friend of mine, and he attended to all the jail, locked all the cells, took out the prisoners, and everything of the sort. I found I couldn't find this key, and I said, "Here, boys, take your damn keys; I am going to lie down." One of them slapped me on the shoulder, and says, "Stop." "What for?" said I. He says, "Unlock that cell." Says I, "I can't do it; I can't find the key." He said nothing, but he took the keys out of my hand. I thought of that boy, and called him, "Lewis." "Sir," says he. Says I, "Unlock this cell," and he came, and in about two minutes—no, hardly more than a minute and a half—he unlocked the cell and threw open the door. I says, "Now, gentlemen, here's the cell-door open; I will go down." One of them, the leader, says, "Hold on, Doc, I am going in there to get him out." I says, "That's nothing to me; I am not going in there." As he walked into the cell, I heard a terrible rattling amongst the crockery. He had everlastingly knocked him sky-high.

Question. Who?

Answer. God knows, I didn't know the man. The negro had struck him with one of these night mugs as he walked in. He first said, "Which is he?" I says, "I don't know. I can go in there and catch any one of them, but I don't know who they are now." When he went in I heard a tremendous lick, then heard the manure and everything splashing over the floor, and the fellow jumped back and says, "God damn it, boys, he has ruined me." I asked him, "Where did he hit you?" He says, "God damn it, Doc, he has knocked out two of my front teeth." By this time I got up and, says I, "That's all right," and I started out again the second time. He says, "Look

here, we want a light." Says I, "That's all right." They were not prepared to do anything of the sort, and when the negro struck this man with the —— pot, for I might as well call things by their right names, they run in with double-barreled guns and pistols to shoot him. I remarked to one of them, "What in the name of God are you going to do? Are you going to shoot every man in the cell? You don't want anybody but him. Are you going to kill all the three or four that's in there?" One of them says, "Stand back." Another says, "Doc's all right." I said, "I don't know. I don't know anybody here." When they called for the light, I went down stairs and says, "Mother, give me a candle." There was a little flickering light in the fireplace, and I stuck the candle into it, and walked up to one of the men, as close as I am to that gentleman [three feet] with the light. He had no mask on, and I looked at him close, and said I, "Here's the light." Said he, "That's all right, Doc," and it passed off. I went back into my wife's room; this negro was hallooing "Murder!" all this time. After they got up there, they pushed this prisoner, this negro boy, Lewis, into the cell, and made him pull the negro Zeke out. They pushed him in until he got him by the leg, and they catched him and hauled him out. I heard them tramping down the stairs, and just as I came to my wife's door, going out into the passage, they came down to the basement floor of the jail where I staid, in the lower story. There they struck a trot with him, and as the last one passed out——let me correct a little thing there. There were two men right there, one on either side of him. They had him by the neck, going out with him. These struck a trot, and as the last man went out, I went out and said, "Where's my keys?" He says, "That boy up stairs has 'em." I went up stairs and says, "Lewis, are all the prisoners right, but Zeke?" Said he, "Yes." Said I, "Did they get Zeke?" "Yes," he says, "they got him." Says I, "Have you locked the cells?" He says, "Doctor, I have locked the lower lock, but I can't fix up the other one, to save my life." I went up and found the same key I had found when I first went up, and locked it. The negro and a white man that was in there, outside of the cells, were exceedingly frightened. They asked me what to do. I said, "I suppose they didn't want you or they would have got you," and I locked the door and went down stairs, and locked the lower door and went out of the front door and locked it after me, and walked around the house to the back door, and saw the side-gate of the yard open. I went to that and shut it. When I came back to the back door, it was barred, and I had to knock some time before my own family would let me in. One of them raised the window, and asked who it was; I said, "It's me." I got into the house, and my wife or some one else asked me, "Are they gone?" I says, "I can't find anything of them." I am satisfied it was not two minutes and a half before they left. I went into the house and put on my pantaloons. It was a mighty cool night. I had a fever and felt unwell, and I went bare-footed over to a neighbor of mine, Mr. Parrent, and asked, "Did you hear that hell of a row?" "No," he says, "what?" I said, "A party of disguised men have come there and taken out Zeke High, and they are gone." There were three gentlemen sitting there, and I asked, "Did you hear that nigger holler?" He says, "No." Well, I found I could do no good there, and I went back home, and laid awake most all the night; and that, gentlemen, was the end of their taking him out of jail. I can tell you where I found him, and how I recognized him and knew it to be the same negro: The next morning it was all over town, of course, and created a great deal of excitement. I took a crowd of men, next morning—I knew it was not worth while to take a crowd that night—but after I get through my evidence, I will explain that. I took about twenty or thirty men. I said, "I want you to hunt this swamp; I am satisfied from the way these fellows acted they would kill him in ten minutes, for one prisoner told me this morning that he wanted to put on his clothes, and they told him it was not worth while—that they would kill him in ten minutes." Well, some of them found him over here, in sight of this place. There is an old steam mill there. They had taken him down between that mill and the river, and shot him. He was shot worse than any piece of flesh I ever saw. He was shot, really, from the top of his head, plumb to the soles of his feet. Who they were, or where they came from, if I was in the presence of my God I couldn't tell you, for I didn't know a single one of them. Those that I presumed I would have known, were masked. There were several of them who were not masked. As I told you about the candle, I was right up to one of them, and he was a man that I never saw before. I can't tell you how they came there, or who they were, or where they were from, or anything about it. We found the negro, and held an inquest over him, and he was buried; and everything has been remaining as it is now, since.

Question. Is that the only rescue that has been made from the jail since you have been sheriff?

Answer. No, sir; there was one before, soon after I came into the sheriff's office.

Question. Before coming to that case, I will ask some questions in relation to this affair. How many people were concerned in the capture of this prisoner?

Answer. That I have just stated about?

Question. Yes.

Answer. As far as I could know or see, and from what my own family told me in the jail, there could not have been less than fifty, sir.

Question. Do you think they were all armed?

Answer. I don't think anything about it; I know that those I saw were. I saw fifteen or twenty, and they had any amount of Colt's navy repeaters, and shot-guns, you bet.

Question. Did they come on horseback?

Answer. I can't tell you; I saw no horses. I heard afterward they had hitched their horses down below here; some were right down beyond the Choctaw House, or hotel, right here.

Question. Do you know from what direction they came to town?

Answer. I can tell you as far as about two miles from here, sir; just over the hill over yonder, there is a road forks, one going straight from Livingston out, and one turns right square off. There was about one-half of them went one way and the other half went the other, sir.

Question. How far is it to the fork, that you speak of, from Livingston?

Answer. About three-quarters of a mile, sir.

Question. State the places or villages to which these roads lead.

Answer. Just about a half a mile beyond there is a road leading to Bennett's Station, on the Selma and Meridian road. Then right straight forward is a road going to York Station, and branching out from the York Station road is a road to Lauderdale Springs, Mississippi, and Tamola, Mississippi. Then the right-hand road runs to Paynesville, and out in that country which is in the neighborhood of Lauderdale Springs.

Question. Did you trace the parties beyond the forks of the road?

Answer. I did not, sir; because I was informed by reliable men that they did take these roads.

Question. Could you ascertain, or were you informed, how the party divided when they came to the cross-roads, and how many went on one road and how many on the other?

Answer. I saw a gentleman who lived right up on the hill, who heard the shooting and saw the parties, but it was night, and he could not, of course, tell who they were. He said, as far as he knew, they went equally each way, and he said although there was a great many, he did not see particularly what number; but he says, "Doc., there's a great many."

Question. About what hour in the night was the prisoner taken out of the jail?

Answer. They left the jail about from three to ten minutes after twelve o'clock, sir. Why I know that to be so is from my niece—that is according to my time; of course I don't know what other people's time is; when the excitement blowed over, and I came back, I asked my niece what time it was, and she said, "I think it is somewhere between three and ten minutes after twelve o'clock." I don't remember exactly, but it was a little after twelve o'clock.

Question. From first to last, how long were they at the jail?

Answer. About half an hour, I think, sir. Of course I may be mistaken, but that is my opinion about it. Being under their supervision myself, the time might have seemed longer to me than it was.

Question. Is the jail situated in a populous part of the town?

Answer. Yes, sir; it is about seventy-five or a hundred yards from the court-house down there.

Question. How many neighbors live within call from the jail; if an outcry from the jail were made at that hour, how many would it reach?

Answer. Not more than fifteen or twenty.

Question. Fifteen or twenty families?

Answer. No, sir; people. Fifteen or twenty families would take nearly all the town.

Question. Had you any knowledge or information that his rescue would be attempted?

Answer. Never, sir. Of course, Senator, I would have been the last man in the world they would have told anything about it.

Question. How long had he been in jail?

Answer. He had been in since last December, sir.

Question. He was in on a charge of murder?

Answer. Yes, sir; and would been hung if he had been tried here. That was the evidence under his own confession.

Question. Had he made a confession in jail?

Answer. No, sir; he had made a confession before he was arrested that led to there being found a true bill against him by the grand jury.

Question. Had he been whipped in order to make him confess?

Answer. No, sir, not by me. I would not have allowed anything of the sort.

Question. I do not speak of any whipping administered by your permission.

Answer. I understand your question.

Question. But before he was committed to your charge?

Answer. No, not a bit. I arrested him myself. He was considered a very obstreperous negro, and nobody would go to take him unless the sheriff went himself.

Question. You understood that he made a confession before you arrested him?

Answer. Yes, sir.

Question. To whom?

Answer. To a young man named May, now dead, and a young man named Myers.

Question. Did they have him in custody at the time?

Answer. No, sir.

Question. How came he to confess to them?

Answer. As to one of them, I can tell you the particulars; to the other, I can't. Mr. May was down there taking the census, and when he went there, this negro confessed to him that he was the man that had the honor of killing this man Collins. This was before the grand jury found the bill.

Question. He confessed that to May?

Answer. Yes, sir; to William May.

Question. Was he arrested upon that confession?

Answer. No, sir; he was arrested upon a regular capias from the circuit court of this county.

Question. After an indictment had been found?

Answer. Yes, sir.

Question. Was Collins a white man?

Answer. Yes, sir; he was.

Question. What were the circumstances of the killing, as you understood?

Answer. Of Collins?

Question. Yes, sir.

Answer. I understand it all. I know how it all occurred. So far as the starting of it was, I don't know about that. In July, of last year, there was a row occurred at Belmont, supposed to be a riot going to take place there. They went down there——

Question. Who went down there?

Answer. I, the sheriff of the county, summoned a posse to protect the interests of the country; to keep all quiet—white and black. Sunday evening I went there, and the magistrate of that beat had taken out a warrant, and given it to these men to go in there and arrest these parties, and this man, Collins, was killed while in there arresting these parties.

Question. Killed while you were making the arrests?

Answer. I made no arrest at all. I said that party was given the warrant by the magistrate, to go and arrest these parties, and he was killed while trying to make the arrest.

Question. Was Collins an officer?

Answer. No, sir; he was deputized by the magistrate, sir.

Question. Deputized as a constable?

Answer. Yes, sir.

Question. By what magistrate?

Answer. Farris Beville.

Question. To arrest whom?

Answer. Wash Schackleford and this boy Zeke High, and two or three others, whose names I don't remember.

Question. What were Shackleford and the others charged with?

Answer. Assault, as well as I recollect.

Question. Upon whom?

Answer. One man by the name of——I can't think of his name; unfortunately I can't recollect his name, though I know it as well as my own.

Question. Was the assault upon a white man?

Answer. Yes, sir; on the Saturday night before they shot him. I will recollect his name by and by.

Question. Who made the affidavit upon which this warrant was issued?

Answer. I am not able to tell you.

Question. Did you see the warrant?

Answer. I did, sir.

Question. Was it directed to Collins as deputy constable?

Answer. I do not remember.

Question. Did it name the parties to be arrested?

Answer. It did.

Question. Were you there at the time the arrest was about being made?

Answer. I was.

Question. You saw the affair, did you?

Answer. I did not.

Question. Where was this?

Answer. It was in Sumter County, close to Demopolis; in about five or six miles of

Demopolis, in Bigby Swamp, sir. I am not an officer outside of Sumter County. The river makes a bend, and it is close to Demopolis.

Question. Where was it that Collins was killed?

Answer. Collins was killed about a mile south of Durden's Ferry, on Bigby River.

Question. Was it at Zeke High's cabin?

Answer. Yes, sir.

Question. He went there to make the arrest?

Answer. Yes, sir.

Question. Was High alone there?

Answer. There were several, I suppose. I am telling you from the circumstances I heard. Two or three others were shot at the same time. I know I saw two or three other young men that were shot at the same time, that went with him.

Question. How many men did Collins take with him?

Answer. I do not know how many; some nine or ten.

Question. Were they armed?

Answer. I presume they were, sir. I can't say for certain that they were.

Question. Was this in the night-time?

Answer. Yes, sir.

Question. Were these nine or ten men with him for the purpose of making these arrests?

Answer. Yes, sir.

Question. You did not go along?

Answer. I did not, sir.

Question. How do you know the particulars under which Collins was shot while attempting this arrest?

Answer. I only know from some parties that went with him. I was not there.

Question. Are any of the parties here now who could be brought before this committee?

Answer. Some are living four or five miles out of town, sir. The main one, the man that got the warrant out of his pocket, I think, is in Louisville, Kentucky.

Question. Out of whose pocket?

Answer. Out of Collins's pocket after he was killed.

Question. Was Collins killed at the cabin of High?

Answer. Yes, sir.

Question. Had they effected an entrance into his house?

Answer. They had not, because as soon as Collins was killed—the negroes shot him before they knew what they were after——

Question. You did not understand whether any one was with High in his cabin besides his family?

Answer. As far as my knowledge is concerned, I am satisfied there was more, because two other gentlemen were shot at the same time that he was. I was not there myself, and cannot tell of my own knowledge.

Question. Did the party succeed in making the arrest of High?

Answer. They did not.

Question. They returned after being fired upon?

Answer. Yes, sir; left right square off.

Question. Was Collins killed dead or wounded?

Answer. Killed dead; shot in the head.

Question. Did they leave his body or carry it off?

Answer. They left the body right there, sir. I can tell you further about the body, if you wish it, of what I heard afterward.

Question. I am not particular about that. How long after this before Zeke High was arrested by you?

Answer. That was in July. I arrested him in December.

Question. Had he fled from the county?

Answer. No, sir.

Question. Did he remain in the county all that time?

Answer. So far as I know, he did. I never saw the negro until the day I arrested him.

Question. Was any process taken out before December?

Answer. I had a capias in my hands in October, but I could not take it out. There was a great many others.

Question. Why was not a warrant issued immediately after the killing of Collins?

Answer. As I told you, there was a warrant for him at the time this man was shot.

Question. But another warrant for the killing of Collins. Why was not a warrant issued for that?

Answer. I suppose it was left entirely to the discretion of the grand jury. He told Jimmy Myers and Billy May that he claimed the honor of killing Collins, and it was left to the grand jury to decide the question.

Question. Nothing was done until the grand jury met in October and found a bill?

Answer. Yes, sir.

Question. Then a warrant was put in your hands and you arrested him?

Answer. Yes, sir.

Question. Did you make any effort to arrest him before December?

Answer. I did not.

Question. You received the warrant in October?

Answer. No, sir; some time in November.

Question. Why did you postpone the arrest until December?

Answer. Because I had a great deal of other business, and could not get there to do it; just as we have got now fifty or sixty or a hundred capiases; and I can't go to every part of the county at the same time, and there is no need for it. If I get it three days before court that is all right. High never fled or made any attempt to escape after killing Collins. If he did, I never knew it.

Question. On whose plantation was he working?

Answer. Down in the bend of the river, at Durden's Ferry; on whose plantation I do not remember, but it was the plantation rented by one Seiberl, of Belmont, a Dutchman living down there.

Question. About what time in December did you put him in jail?

Answer. I think it was between the 1st and the 15th; I think now it was the 11th. I could tell you if I was at the jail, by my book.

Question. When did your spring court sit?

Answer. They had no spring court; it ought to have set in April.

Question. There was no court then to try him?

Answer. Not until this last court in October.

Question. Had any previous effort been made to take this prisoner from your custody?

Answer. No, sir.

Question. Did you ever hear that Zeke High's friends claimed that he killed Collins in self-defense?

Answer. No, sir; if he had any friends, it was more than I knew. None of them ever spoke to me one way or the other about anything of this sort.

Question. What proportion of the men that took High from your custody were masked or disguised?

Answer. Well, Senator, all that I saw with the exception of four or five were masked, and I saw fully one-half, I reckon.

Question. Please describe their disguise as near as you can.

Answer. That's a hard thing to do; I will do my best.

Question. That is all we want you to do.

Answer. Those that I saw—in fact, the man that got his teeth knocked out, as he told me, had on a cap, to my best recollection, with a mask that came down to about his chin, and fitted particularly close to that, and below that seemed to be a little curtain that came down over his breast. How I came to notice that was, when he was struck by the —— pot, I saw him rearing around and slinging the blood, and so when he threw up his mask, I saw him put his hand to his mouth and sling this off, [illustrating.]

Question. He acted as if he was disgusted?

Answer. Yes, sir, very much; and there was the blood on the floor next morning to show for itself. I was a little excited, but I'll be damned if I could help laughing then.

Question. Describe the disguise on his person.

Answer. There was not a particle of anything on the man I saw. The others had a long black concern, I don't know what the devil you would call it.

Question. A frock?

Answer. A sort of loose concern; it was split up and put over the arms before and behind. I don't know what the devil you would call it.

Question. Was there any painting or any kind of device on their faces?

Answer. There was painting and devices on the faces, but I can't tell you anything more about it than a man in the moon, because they were passing about all the time; none of them ever stood near me except the man that was knocked on the head with the —— pot.

Question. Did you hear any whistle?

Answer. I did not. I did hear one whistle before the door was opened, but after that I didn't hear any.

Question. Did there seem to be a leader in the crowd?

Answer. Yes, sir; the man that got his teeth knocked out with the —— pot seemed to be the leader.

Question. Have you heard since of any man having a piece of dentistry performed for such an injury?

Answer. I have not; I would be the last man on top of God's green earth they would let know about that, sir. I will tell you the honest truth. I thought I did know the man—just now I will tell you how that thing was—not as a witness.

Question. Who did you think it was?

Answer. A man in the country; but I have seen him several times since, and, by God, his teeth are as good as mine or anybody's else.

Question. You think they are not false teeth?

Answer. I scrutinized him cool. I made him open his mouth and let me examine it, and he said, "Damn you, look," and I looked, and not a tooth was out.

Question. Did the negro make any violent outcries?

Answer. Yes, sir; hollered murder from the time I opened the top lock of the cell. He asked me, "Doctor, who is them?" I didn't know who the devil to tell him. I might have told him it was you or any Senator around, but I wouldn't tell him any lie, and I never made no answer, and from the jump he hollered murder.

Question. Loud enough to be heard by the neighbors?

Answer. Yes, sir; I thought so, but they didn't hear.

Question. Did you make any outcry?

Answer. I did not; but gentlemen, with fifteen or twenty men with guns around you, would you have done it, Senator?

Question. Did they threaten you?

Answer. They told me, "We know and love you; you have acted as a gentleman and an officer, as sheriff; we are not going to hurt you; but you must keep quiet, or we shall not answer for the consequences." Under such a stimulus as that the most of us would keep quiet.

Question. Did your wife or niece make an outcry?

Answer. They did not.

Question. No one but the negro hallooed?

Answer. They didn't. I had my niece and step-son, and son-in-law and step-daughter, and my daughter, but she didn't wake up. Fortunately she didn't wake up, or she would have raised a hell of a row there.

Question. Would the cell in which Zeke was confined allow his outcries to be heard at a distance?

Answer. All the cells faced in, making a square. There are two on this side, [illustrating,] two here; one on that side and two on that; all the tiers facing outward.

Question. So you think his outcries might have been heard?

Answer. They might, if people had been aware; but there was Mr. Parrent there, as good a man as there is in Sumter County, who wouldn't want to do anything wrong, didn't hear him, and two other gentlemen were in there. I went in there bare-footed, with my pantaloons on, and asked him if he had heard Zeke, and he had not. He was my nearest neighbor, as near as any one.

Question. Would there have been any trouble in summoning a posse that night, and following this crowd?

Answer. If these men had told me, "Doctor Moore, we let you out now; go and set fire to the court-house and holler fire, and then tell them the Ku-Klux is at the jail," I'll be God damned if I believe any man would have gone there.

Question. Why?

Answer. Because the jail and yard and everything was crowded. What would five men do against men that could have shot five hundred times?

Question. But I am speaking of the time after the crowd had left with Zeke High. Would there have been any trouble in summoning a posse, and following after them and attempting his rescue?

Answer. There would have been no trouble in summoning them, but not a damned man would have gone.

Question. Why not?

Answer. For fear of bodily harm.

Question. Were there not a number of men in town equal to the number of these men?

Answer. No, sir. By the time I could have got out and summoned all the people in town, I would not have got a number of men equal to them before they could have killed the prisoner and gone off.

Question. But you say men in that crowd were friendly to you and called your name?

Answer. Yes; but did I know that to be the fact?

Question. Did you not know that they were citizens of the county?

Answer. No, sir; I didn't know one. I went up to one, as close to one as I am to you, but I didn't know him, and I wouldn't know him now.

Question. But they all spoke as if they knew you?

Answer. Yes, sir; they said they only required me to keep quiet and keep my family quiet, and raise no disturbance.

Question. Did they not tell you they were your friends?

Answer. They said, "We love you and we are your friends, and we don't want to have trouble with you; but if you raise a disturbance, we won't answer for the consequences."

Question. Did you not infer that they lived in the county?

Answer. I didn't know who they were—honest, I didn't. I think I have as many friends as anybody in this county, but I don't know what would have been the issue if I had defeated their proposition.

Question. How large a posse did you raise next morning?

Answer. I don't know; half the town, I reckon—forty or fifty in amount, I think.

Question. Were they armed?

Answer. Yes, sir.

Question. Were they mounted?

Answer. Some were; some were not.

Question. Did you request them to accompany you?

Answer. I told them I wanted every man to come and help to search for that body. I supposed from what the negroes told me that they were not going to carry him far.

Question. You knew they were going to kill him?

Answer. Yes, sir; they told him so. I heard that.

Question. You started not to find the men, but the body?

Answer. Yes, sir; to find the body, and give it a decent burial. I didn't know where they went to. They might have met somebody in the road, and taken him up. I didn't know who they were.

Question. Had you heard of any complaint of the delay of the law in the trial of Zeke High before he was taken out by these men?

Answer. I had not, because parties throughout the land knew we had no court. They knew that.

Question. They knew the court was close at hand?

Answer. Yes, sir; certainly.

Question. Was it thought there would be difficulty in convicting High?

Answer. Not a particle, and had I known or suspected that he would be taken out, I would have summoned a guard and put them around the jail.

Question. As it was, you had no guard?

Answer. I had no guard. I didn't suspect anything of the sort. I knew they had the chance. People could come and take them out by violence, irrespective of me.

Question. You have no idea that these men would have killed you, if you had not given them the keys?

Answer. I do. These men would have committed any act to have consummated their point. You don't know anything about these southern people, Senator. I was born and raised with them. I am a southern man.

Question. How do they differ from other people?

Answer. You stay here long enough, and you will find out, I'll tell you.

Question. Did they seem to be under the influence of whisky at the time?

Answer. Not a bit, sir. There was not a man spoke to me that night but the leader, the man who got knocked in the head with the —— pot. When he heard any man out of the way and told him to stop, he was as quiet as if you had knocked the man in the head with a stick.

Question. By what title was he addressed?

Answer. They didn't call him at all, or, if they did, I don't remember it if he was called at all, sir.

Question. Was there much conversation among the men?

Answer. Not a great deal, only right around the cell, and that was pertaining to getting him out and knocking that fellow with the pot. They would certainly have shot him in the cell, or shot into the cell, if I hadn't begged them out of it.

Question. Were there others in the cell with him?

Answer. Yes, sir; two others.

Question. Were they colored men?

Answer. Yes, sir. One of them was there for assault with intent to murder, and another for burglary and petit larceny.

Question. They could not succeed in distinguishing one from the other, until you brought the light?

Answer. Yes, sir. I didn't go up in the jail to give them the light. They had every point guarded. Every door and every window was guarded. Even in the streets at the gate it was guarded. A man was standing at the door, and I called to him, and handed him the light. I didn't know him. He says, "All right, Doc," and it passed off.

Question. Did they beat the negro in taking him out of the jail?

Answer. I don't know that from personal observation. The prisoners say they did.

Question. In the cell?

Answer. No, sir; they made one of the prisoners—this boy that unlocked the cell, he is a prisoner still—go into the cell. This fellow Zeke had a —— pot still, but this boy got him by one leg and brought him out, and as soon as they got him out—and he had a piece of the pot yet then—they took him.

Question. Then that vessel had not been broken in the blow which was given to the leader?

Answer. I thought from the pieces scattered around that it was broken.

Question. I understood you that he was still wielding the vessel in self-defense?

Answer. But there was three or four —— pots in there. We put in one for each man.

Question. Has any person been arrested or charged with the murder of Zeke High?

Answer. There has not.

Question. Your court has sat here since that time?

Answer. Yes, sir.

Question. Has any witness been subpœnaed before the grand jury for the purpose of indicting anybody for it?

Answer. I am the only man, I presume.

Question. Were you examined before the grand jury?

Answer. I was.

Question. Did you tell them the same tale you have told here?

Answer. I did, verbatim, as far as I can recollect.

Question. And no indictment was found?

Answer. No, sir. They couldn't find indictments against those they knew nothing about. We have got as correct men, as far as law and order is concerned, as any place in the world. There was Mr. Hoyt, Captain Vincent, and such men as those.

By Mr. BLAIR:

Question. Was Zeke High also called Zeke Williams?

Answer. I never heard of him under any other name.

Question. His wife called herself Williams, and spoke of him as such.

Answer. The name he was known here by was Zeke High. That was in the capias, and I have always called him that.

Question. Mary Eliza Williams testified in regard to this transaction before the committee, and called him Zeke Williams.

Answer. That is the same party.

By the CHAIRMAN:

Question. Would there have been any difficulty in tracking these men on the roads next morning, by a body of men determined to find the murderers?

Answer. It would have been like guessing at the color of a cat in a wallet that you never saw open, because there are two roads leading out, and people passing at all hours of the day and night, and you couldn't have told one horse's track from another.

Question. These horses were borrowed, or got from a livery stable?

Answer. O, no, sir; there is no livery stable except here and in Demopolis.

Question. These men would have been seen in daylight?

Answer. They might have been, but I was told they left in a big hurry when they left.

Question. Did people live along the road they traveled?

Answer. No, sir; neither road they went. Going from here, out about a mile, you turn into the Bennett Station road. There are two or three houses between here and Bennett Station, and they are every one off of the road. Going the York Station road, there are about three houses on the road, and they are all off the road except one. Going on this road to Painesville, you go seven, eight, or ten miles without seeing a house. I am as much opposed to this lawlessness as anybody in the world, and if I know who they were I would tell you. I make no bones of it at all.

Question. If a leading citizen of the town had been murdered that night by that body of men, and the town and country had been thoroughly aroused the next day, and had made pursuit, have you any doubt that some of the men concerned in this murder would have been successfully pursued and found out?

Answer. No, sir; they would not have been found out; none of them would, because we had a transaction somewhat similar, that occurred in this town about two years ago. One man was killed here in town, and we never found out who either of the party were.

Question. State the particulars of that transaction.

Answer. It was before I was sheriff. I was a private citizen then. I don't know anything of it from my own knowledge. I was not here at the time that man, Coblentz, was shot.

Question. When was that?

Answer. That has been more than two years ago.

Question. Was he killed in Livingston?

Answer. Yes, sir.

Question. Tell the circumstances.

Answer. All I know about it is, that a body of men went there hunting for old Doctor Choutteau.

Question. Went to Coblentz's house?

Answer. No, sir, Choutteau's house. Coblentz was there guarding him, and somebody broke in through a pane of glass in the door, and Coblentz shot him and killed him, and Coblentz was killed also. At the same time this boy, George Houston, that is now in Montgomery, was shot. That was the same night.

Question. By which party?

Answer. By the disguised party of Ku-Klux, as you may call them.

Question. How large was the party that shot Coblentz?

Answer. I have no idea, sir.

Question. You speak of them as Ku-Klux?

Answer. That is what I inferred. That is the name we call all these parties by. I don't know who they were.

Question. Were they disguised men?

Answer. I don't know.

Question. Were they said to have been?

Answer. I never heard anybody say whether they were or not. I think very few said anything about it. I think only one or two men in town saw them.

Question. Did they visit Choutteau's house at night?

Answer. Yes, sir. There is where they killed Coblentz, in Choutteau's house.

Question. What were they after Choutteau for?

Answer. Some political matter; God only knows what. I can't tell you what. I was a new-comer in the county then.

Question. It was a political trouble?

Answer. Yes, sir; I was a private citizen, practicing physic, and paid no attention to it.

Question. Was Coblentz a respectable man?

Answer. He was a worthless sort of man, from all I heard.

Question. What sort of a man was Choutteau?

Answer. He was a Frenchman, who was here practicing physic for several years. The people thought very much of him, but after he turned against the white people and went invariably against them, they turned against him, and they got down with him.

Question. He went for the colored people?

Answer. I don't know; people got down on him. I was a stranger here.

Question. What became of Choutteau?

Answer. The last I heard of him he was in the capital at Washington, and receiving a salary of five or six thousand dollars, and they found him guilty of lying, and turned him out of office.

Mr. BUCKLEY:

Question. What office?

Answer. I don't know; assistant secretary or something of the kind of the Post-Office Department. Such a thing didn't disturb me. I have to grub for my little ones.

By the CHAIRMAN:

Question. You never understood how large this party was?

Answer. No, sir.

Question. Nor whether they were disguised?

Answer. No, sir.

Question. All you heard was, that they were after Choutteau, and Coblentz was in his house defending him?

Answer. Yes, sir; and he was killed, and he killed a man.

Question. Was Houston in Choutteau's house?

Answer. No, sir.

Question. How did he come to be shot?

Answer. They went to his house.

Question. Was he killed?

Answer. No, sir.

Question. What was Houston's offense?

Answer. I can't tell you any more what his offense was than you know, sir.

Question. Was he odious on account of his political sentiments or relations?

Answer. I suppose that must have been the thing.

Question. Was he a republican?

Answer. I can't tell you that. I was not acquainted with him. I didn't know George Houston until I had been sheriff.

Question. Was he an office-holder?

Answer. He was not.

Question. Was he an office-seeker?

Answer. I don't know—he was, too, because he was elected to the legislature the same year.

Question. Was he white or colored?

Answer. A negro.

Question. A man of considerable influence with his people?

Answer. I suppose he was.

Question. This same band of men went to his house and shot him?

Answer. I can't tell you whether it was the same band or not, but it was the same night.

Question. Were any other depredations committed here that night?

Answer. Not that I know of.

Question. Any on the road?

Answer. Not that I know of.

Question. Was any investigation ever made into that affair?

Answer. I think there was.

Question. By the grand jury?

Answer. I can't tell you.

Question. Was anybody arrested?

Answer. Not that I know of. It was like this case of taking the negro out of jail. Nobody knows who to arrest.

Question. You spoke of another instance of a prisoner being taken from the jail. State the particulars of that case.

Answer. Before I came into the sheriff's office, a young man named W. J. Prater—if I recollect his name right—was in here for killing a negro, it was said, just about a quarter of a mile over here on this hill, where these parties were I told you of. He shot the negro in cold blood; I expect his blood was pretty well heated, for he was as drunk as the devil when he did it.

Question. Was Prater a white man?

Answer. Yes, sir. When I came into the sheriff's office, he was in the jail in charge of the jailor. I had no charge of the jail personally, but the sheriff, of course, had charge. I put a jailor there, and he was served in the same way I was. They went over there with an armed force, and made him lie down on his bed. Two men sat by him until they got the keys and took the man off.

Question. What did they do with Prater?

Answer. I don't know.

Question. Did they serve him as they did Zeke High?

Answer. God knows. I have never heard of him since. The general supposition is that they let him loose.

Question. He made his escape?

Answer. I can only tell you what I think. I think he is in Texas or somewhere else, God Almighty knows where.

Question. You think it was a body of white men who rescued him?

Answer. That I can't tell you. The jailor that I had there, if he hadn't been a grown man and about forty years old, never would have grown any more, he was so frightened.

Question. What was his name?

Answer. R. C. Knight.

Question. Is he living here now?

Answer. No, sir; he is dead.

Question. Did he describe the circumstance to you next morning?

Answer. Yes, sir.

Question. Repeat the circumstances, as he detailed them to you next morning.

Answer. That's going to be a hard old drag, for it has been two years ago. They just went in, and come and knocked at the first door and opened it, and they said they had a man there, a prisoner, and while he was looking at the mittimus, they grabbed him and told him, "Give us the keys." They grabbed them, and went and got the man out of the jail.

Question. There was no mittimus; that was all a sham?

Answer. Yes, sir; that was a sham, of course.

Question. How many men took this prisoner out of the jail?

Answer. I don't suppose I ever knew.

Question. Did he say they were disguised?

Answer. Yes, sir.

Question. What hour of the night was it?

Answer. About 11 or 12 o'clock at night. I am giving it from recollection. I may be wrong.

Question. How long had Prater been in jail?

Answer. About twelve months, as well as my memory serves me now.

Question. Was he a respectable man?

Answer. I don't know; they were entire strangers to me. When I came into the sheriff's office, I was an entire stranger myself to the country.

Question. Had you not lived in the county before you were appointed sheriff?

Answer. Yes, sir, a short while. I came in January, 1868, and was appointed sheriff in November, 1869.

Question. Prater's offense was killing this negro?

Answer. Murder was the offense, as I understood it. He had been arrested and put in jail there.

Question. You understood it to be a very clear case of murder?

Answer. Yes, sir. I couldn't understand much about it; but from what I heard it was a clear, straight-out game of murder.

Question. You understood from the circumstances that this band was composed of friends of Prater's, who wanted to release him?

Answer. God knows who they were. I never heard nobody say.

Question. Would that be your conclusion?

Answer. Yes, sir; but not as evidence. I might conclude one thing about you or another; but I concluded from all I saw and could find out that they did not kill him, and didn't want to do anything of the sort; at least I believe in my own mind that, unless he has died since, if I was gifted with the all-seeing eye, I could find him in the great Northwest somewhere.

Question. You did not hear that this band inflicted any violence on him?

Answer. No, sir. He never has been seen or heard of in this State or Mississippi since, that I know of. I saw a paragraph in the paper, eighteen months ago, that W. J. Prater, who was taken from the jail in Sumter County, went to Texas and died there, but I don't believe he was any more dead than I am, and I am a right sharp living man, I think, though I may be wrong.

Question. Was any effort made to rescue Prater?

Answer. I was sheriff at the time, and living about ten miles from here at Jones's Bluff. I never knew it until 10 o'clock the next day. I was away on official duty, and when I got here it was 12 or 2 o'clock in the day, and it was of no use to start after men who had been twelve hours before; and if I had started I couldn't have got anybody to go, unless he was forced to, and when a man is forced to do a thing he never sees anything, except what he can't get around.

Question. Were the people afraid to follow these disguised bands?

Answer. Let me ask you a question: would you go into a den of lions that you didn't know anything about?

Question. Your impression is that there was a disinclination on the part of the community from fear.

Answer. From fear; nothing else in the world. They were as true and brave men as ever made a track in the dirt, and when they see an open enemy they will try as long as anybody in the world to meet him; but when they are liable to be bushwhacked at any hour of the night they are not going. That's the fact. It's no use to disguise the matter; I speak plainly; it's no use to call a —— pot by any other name, is it?

The CHAIRMAN. That is a question of taste.

The WITNESS. It is; but who's to judge?

Question. Have you known any other cases of violence committed by bands of men in disguise, in this county?

Answer. I have heard of a negro up here in Sumter County that had his ears cut off. He was severely treated by somebody, but who they were I don't know.

Question. Where was that?

Answer. At Sumterville.

Question. When was that?

Answer. Between this and last spring court—about six months, sir.

Question. What was done to him?

Answer. He was severely beaten and his ears were cut off.

Question. Who was that done by; was it understood to be by disguised men?

Answer. That was the report, but I never heard how it was done.

Question. You heard whether it was done by one man or several men?

Answer. I know it was supposed to have been done by two or three, or several.

Question. What is the negro's name?

Answer. I don't remember the name, sir; I heard it.

Question. Is he living in the county here?

Answer. I presume he is. I have heard nothing to the contrary.

Question. Has any one ever been punished for that?

Answer. I have heard of no one being punished. I know there is a true bill against certain parties supposed to be guilty of that offense. I can't tell whether that is the same case or not. I have a true bill, but I can't disclose that to you. I am an officer of the law; but it is said that two men are indicted for cutting off that negro's ears, but I can't tell you about that. When a man is under indictment there is a hundred dollars' fine and imprisonment to it if he tells.

Question. I suppose you would be safe in disclosing any matters to this committee under the oath which has been administered to you, so that you can speak freely of the facts.

Answer. I presume; that's my notion. From all I gather, there is an indictment against them, and I have a capias for them, which may be served as soon as I get hold of it.

Question. Was the negro who was mutilated before the grand jury?

Answer. I can't tell you; I don't know the negro. It is only hearsay with me.

Question. You may state to the committee any other acts of violence which have occurred since you have been in the county.

Answer. There was a negro taken out of jail here, by the name of Jasper, before I was sheriff. The military had control then, and never found out about it. They took up three or four citizens here, and carried them to Selma, and finally turned them out.

Question. What was done with Jasper, when he was taken out of jail?

Answer. He was taken out and hung and shot.

Question. What was his offense?

Answer. He had committed an outrageous murder. He shot a man at the Cross-roads store up here. It was proved on him, and he acknowledged it. He robbed him, too, of a hundred and twenty-five dollars, and some tobacco and whisky and cigars, and one thing and another.

Question. When did that occur?

Answer. Some time in 1868.

Question. Was any one arrested for it?

Answer. Yes, sir, we had a big trial. This man Jasper was arrested and had a trial, and was taken out and hung.

Question. Was anybody arrested for taking Jasper out and hanging him?

Answer. No, sir; nobody knew. It was like all these other offenses committed.

By Mr. BLAIR:

Question. Did you not say that a number of citizens were taken up to Selma for that?

Answer. Yes, sir.

Question. By the military?

Answer. Yes, sir.

By the CHAIRMAN:

Question. That were implicated in the murder of Jasper?

Answer. No, sir, but were suspected. I don't know anything about it.

Question. What were they taken to Selma for?

Answer. I can't tell you.

Question. They came home again?

Answer. Yes, sir. There was no trouble. After they were incarcerated here and taken to Selma, they were released.

Question. Was there any evidence against them?

Answer. None, that I heard of.

Question. Do any other instances occur to you?

Answer. None now, according to my memory.

Question. Have you heard of any negroes being whipped in the county?

Answer. There are many things said. I go on the principle of not believing anything I hear, nor the half I see.

Question. I am not desiring you to confine yourself to things lying within your own knowledge, but ask for any fact which you know from information, where you think the information is reasonably reliable.

Answer. I see by the capiases I have in hand, that there have been several charged with assault with intent to murder, and so on. They will be attended to at the proper time. As to the circumstances, I don't know anything about them.

Question. Have you heard of negroes having been whipped by bodies of men in the night-time?

Answer. No, sir; not that I recollect now.

Question. Have you mentioned all the cases of violence you have heard of?

Answer. Yes, sir, so far as I recollect now.

By Mr. BUCKLEY:

Question. Mr. Sheriff, did you hear of the killing of a man named Burke?

Answer. O, yes, sir; I forgot about that; Richard Burke, and another one there also. That was at Gainesville. He was shot in a bar-room. Both of these cases were at Gainesville.

By the CHAIRMAN:

Question. What were the particulars of Burke's case?

Answer. I know nothing about it, except that I heard that they went to his house; he jumped out of a second-story window, and they killed him about fifty yards from his house.

Question. When did that occur?

Answer. It was twelve months ago, to the best of my judgment.

By Mr. RICE:

Question. What was he accused of?

Answer. I have no more idea than you have.

By the CHAIRMAN:

Question. Was Burke a colored man?

Answer. Yes, sir; he was the representative from this county.

Question. Was he at that time?

Answer. His time had expired, I think, or was about to expire.

Question. You do not know of what he was accused?

Answer. I do not.

Question. Speak of the other case.

Answer. It was a negro boy sitting in a bar-room up there in Gainesville. He was shot in broad, open daylight. Nobody saw him, or who killed him, or how he came to die, except that it was by a gun-shot or pistol-shot wound from somebody's hand. I don't know who did it.

Question. I believe you have stated already that Burke was killed in the night-time?

Answer. Yes, sir; the other was killed in the day-time.

Question. Did you understand whether there were more than one concerned in the killing of Burke?

Answer. Several, I understand, sir.

Question. Did you understand whether they were disguised or not?

Answer. No, sir.

By Mr. BUCKLEY:

Question. Was Richard Burke a member of the legislature at the time?

Answer. I think he was. I think his time had about expired.

Question. You never heard anything alleged against him?

Answer. I knew him by sight. He was a slave of one of my most intimate friends, Judge Reavis.

Question. Any account Judge Reavis would give of him you would think would be correct?

Answer. O, yes, sir; in every respect.

Question. This man Choutteau, of whom you spoke, had been warned to leave the country before he was shot, had he not?

Answer. I can't say that. I was a stranger here, and I don't know. I was at Jones's Bluff, broken up, like everybody else, by the war, and was trying to make a living. He may have been, and he may not have been.

Question. You understood that this man Coblentz was shot at Choutteau's house?

Answer. Yes, sir; but I understood it was guarding Choutteau.

Question. After he had received a notice to leave?

Answer. I can't tell you anything about the notice; but Choutteau lived above here about ten or fifteen miles, rather in north-middle Sumter, and he quit the place there and came down here, and this man Coblentz was killed in his house.

By Mr. BLAIR:

Question. Who was supposed to have been engaged in the killing of this negro, Zeke High?

Answer. God only knows.

Question. Did not suspicion attach to anybody?

Answer. I am the only man, I reckon, that saw them face to face, sir.

Question. Was Collins's brother in this town at or about that time?

Answer. If he was, I didn't know him; if I were to meet him now I wouldn't know him.

Question. Have you heard that he was in town the day before this occurrence?

Answer. No, sir.

Question. You never heard of it?

Answer. If he had been, I certainly would have picketed a guard over that jail.

Question. Have you heard it since?

Answer. No, sir, I have not; I would not know the man if I saw him. I heard nobody say he was here. He was in this town after his brother was killed, about twelve months ago.

By the CHAIRMAN:

Question. Did this negro High continue to make his outcries as he was taken out of jail?

Answer. All the time until these men pulled him out of the cell and choked him down. That is my understanding.

Question. Did his outcries cease after he left the jail?

Answer. Yes, sir; almost everybody's would if it had been choked down.

By Mr. BLAIR:

Question. The crime for which he was arrested was the killing of Collins?

Answer. Yes, sir.

Question. Whom he killed in the act of attempting to arrest him on a warrant?

Answer. Yes, sir.

Question. Resisting and killing an officer in the act of performing his duty in the character of an official?

Answer. Yes, sir.

Question. You say that at the time for the court, in the spring, there was no court held here?

Answer. None at all.

Question. It has been stated before this committee by the wife of this man High or Williams that he was attacked by Ku-Klux, and that Collins was a Ku-Klux, and that they went there in disguise.

Answer. I don't know but one man by the name of Collins, and he is a dead man, that had any connection with it. If dead folks can come back and go with the Ku-Klux, it is more than I know. His brother I don't know anything about.

Question. I am not talking about his brother, but what the wife of this Ezekiel High stated to this committee. She said that Collins was killed in the act of Ku-Kluxing her house.

Answer. I don't know anything about that. I can't tell you.

Question. Do you not know that he went there as an officer of the law, with a warrant in his pocket to arrest High?

Answer. I do, sir.

Question. And these negroes are incapable, I suppose, of knowing the difference between an officer, with a posse, and a Ku-Klux?

Answer. Certainly; of course. They didn't see the warrant. They shot the man before he showed him anything. My understanding before that was that he was killed as he rode up to the fence.

Question. She gave the names of Farris Beville, John Farris, Billy Hillman, John Myers, Rafe Grayson, and Jake McCree, as the men who accompanied Collins at the time he was killed. She said they were a party of Ku-Klux who went there.

Answer. As to that I cannot tell. Name them again.

Question. Farris Beville.

Answer. I know that is not so. He is a magistrate himself, and would not have gone there.

Question. John Farris.

Answer. I can state in my judgment John Farris was not there.

Question. Billy Hillman.

Answer. I didn't see him. I never went about the place until the parties came back, and I didn't see who the parties were.

Question. John Myers.

Answer. I know John Myers. Whether he was in the crowd I can't tell you.

Question. Jack McCree.

Answer. He went with them under these circumstances, as he told me about it afterwards. He was farming in the swamp himself, and the day we all went down there, Sunday, he had been down to his farm. He came out of the swamp, and he met that party, and they asked him, "Jack, go back with us in the swamp; we are going down for a certain thing." He says, "Boys, I am not going a damned foot." Some of them said, well, he was a damned coward, or something of the kind. He said, "Gentlemen, if you believe I am a coward, get down here, every one of you, and I'll show you damn quick that I can whip you; but I am not going in the swamp, because of the negroes getting hold of me. It is no time to go in the swamp, because it is night, and there is no time to go." They kept at him until he says, "I'll show you I can go as far as anybody else," and he turned around and goes back with them. He never got to the house this man Collins was shot and killed at. He turned around and came back out of the swamp. That is the part he took in it. That I got from them. They made him mad, so he got down and offered to fight any of them in the road. That was Jack McCree.

Question. Did you ever hear of a man shot down by Ku-Klux at Billy McCree's house?

Answer. Yes, sir; in Billy McCree's field, not his house.

Question. How was that?

Answer. I don't know. God knows it was no man that belonged to my posse that I had out.

Question. Do you know what he was killed for?

Answer. No.

Question. Was he a white man who was killed?

Answer. It was a negro.

By the CHAIRMAN:

Question. When was that?

Answer. About the same time—July, a year ago; at the time of the Belmont row.

By Mr. BUCKLEY:

Question. What was he killed for?

Answer. I don't know. I will give you the circumstances. I don't remember all the circumstances, but after this man Collins was killed, on Sunday night and Monday there was a crowd went in there to get the body from the negroes, and during this time, on Monday, as far as I remember, that they went in to get the body, and the negroes refused to give it up. A man rode to uncle Billy McCree's field. He was in the field himself, trying to get some hogs out. The man rode up, and called to the negro, raised his gun, and shot him, and he called, "Don't shoot me, for God's sake, Massa, I haven't done nothing;" but he shot him, and the negro ran a little ways, and he shot him again. The old man, Billy McCree, came up a minute afterward, and this man was sitting on his horse, and he says, "What in the name of God did you shoot that nigger for? He is one of the best niggers in the country." The man said he didn't care a God damn; he was a hundred miles from home; he was going to kill somebody, and he didn't care who it was. Old man Billy McCree took the negro home with him, and he died a few hours afterward. When you meet Bill McCree you will see that he is the very embodiment of truth. I asked him who that man was. I said, "I don't think there is a solitary man under God's heavens that I have here as a posse that would commit any such act." He says, "Doctor, I don't know him, and if God will forgive me, I don't want to know him. He is a man I don't want to know. I have seen no such man in your crowd." I told him to look around and tell me who it was. I told him if he found out, and God let me live, I would arrest the man, if he didn't stay there two hours; I would carry him there to jail. It seems that this man took right off on the road, and left the place, and went, nobody knows where. He gave me a description of the man; I was acquainted with nearly everybody around there, and no man there suited the description at all.

By the CHAIRMAN:

Question. How far was this from the place where the dead body was lying?

Answer. About two miles, sir.

Question. Do you know that he was not one of that party that went down on Monday for the body?

Answer. Well, sir, of course he was not. They were in the swamp at the time that negro was killed; that's my recollection now—that the negro was killed out there, while they were in the swamp.

Question. This transaction occurred two miles away from where the parties were?

Answer. Yes, sir; fully two miles.

By Mr. BLAIR:

Question. How did the affair at Belmont originate that riot?

Answer. Well, sir, I can tell you, general, only what I hear; I was not there. This man Dr. Jones, here at Demopolis, commenced it there by a speech he made. They got into a fight, he and some other party there, I don't remember who, and Jones got whipped out, and it was reported here to me that the negroes were going to just clear out Belmont; to have a row with them and burn up the whole place. That was the reason I went there. I was sent there to keep the peace.

Question. Was Zeke High engaged in that riot?

Answer. Yes, sir.

Question. And that was the reason the warrant of arrest was issued for his apprehension?

Answer. When I say "Yes, sir," let me tell you what I know. I went on Tuesday morning after that young man Collins was killed on Sunday night. I saw on my way I could not control the parties if I went in the swamp, and I would not go. Tuesday morning I found the thing was waxing pretty warm, and I told them, "Let's pick out a dozen good old stagers and send them to demand that body." I was sheriff and they wouldn't go without me, and I rode in the swamp, as close as within forty feet of them or fifty. I rode right up and I never was treated more politely by negroes. They were all in line of battle, with guns and everything ready for a row. I rode up. One of them came right up and said, "How are you, Mr. Sheriff?" How he knew me I don't know.

Question. Who did that—Zeke High?

Answer. No; some negro, I don't know who. I asked, "What, in God's name, are you doing?" He says, "Mr. Sheriff, we are doing nothing, only protecting ourselves." I says, "I am ashamed of you, boys." I had only a pocket Derringer, and I said, "I have come down here to get that body." He says, "You can have it any time you want it; we are not here in defiance of law at all." I said, "What are you doing here?" He says, "We are here to protect ourselves, our wives, and children." I says, "Who is trying to damage you?" He says, "Men come in the swamp every morning and stay all day, and go out in the evening, and we see them." I says, "I, as the sheriff of Sumter County, desire you to disperse. You are directly in defiance of law. I want you to

tell me now whether you are going to disperse or not. It is Governor Smith's orders. I shall control all these things, and I shall do it if I have to do it at the mouth of a gun." They said, "Certainly, you can have the body." I went with a wagon on purpose to get it, and after the wagon left and all that crowd, another gentleman and myself staid and talked with the negroes half an hour. I felt no more alarm than I do now. They had no malice against me. They could have killed me. I said, "It is a perfect outrage the way you have acted," and I appealed to them. I said, "Where was any people getting along better than we here in Sumter?" and the whole crowd spoke out in a perfect burst of enthusiasm, "Nowhere, Mr. Sheriff." I says, "Now, boys, go to your homes, and behave yourselves, and no man of my party shall harm you." You never saw negroes' countenances lighten up before like theirs did. This man Zeke High was standing by my horse, and he leaned half an hour, with his gun in his hand, on my horse's neck and talked. I saw this man Zeke High in the line with the balance of them.

Question. Did you inform them at the time that Collins went in there with a warrant to arrest him?

Answer. Yes, sir; I told them so.

Question. What did they say about that?

Answer. They said they didn't know that. They didn't know whether he had one or not.

Question. Did Zeke say then that he had killed him?

Answer. No, sir; he didn't tell me he did.

Question. Did any one tell you Zeke had killed him?

Answer. No, sir; no one had made confession to me, because if he had I would have told these negroes right square out, "You go and bring that negro to me," and I believe they would have done it; that's my honest conviction—that they would have disarmed him, and I believe I could have made them bring him here to jail. That's my opinion about it.

Question. You knew he had been killed by some of them?

Answer. Yes, sir; that's so.

Question. At whose house was he killed?

Answer. At Zeke High's.

By Mr. RICE:

Question. In the night or day-time?

Answer. In the night; soon after dark.

By the CHAIRMAN:

Question. Did the negroes say, upon that occasion, that they supposed it was a band of Ku-Klux?

Answer. They didn't know who it was.

Question. Did they not say it was a body of men disguised?

Answer. They didn't tell me so, sir.

By Mr. BUCKLEY:

Question. Did you ever hear that a body of men—I believe disguised—had visited that house some time previous to that?

Answer. No, sir; only just as I told you. They said there were men coming in there of a morning and going out of a night, and they did not know what they were for, and they were there for their own self-protection. They didn't tell me anybody had been there that night.

Question. Did you ever hear that Zeke High had been visited some time previous at night. Did he not tell you so?

Answer. I had him in jail here for nearly twelve months, and Zeke always had great confidence in me, and wanted to make confessions to me, but I wouldn't hear them, because I knew they would not be worth anything. I wouldn't allow him to make any confessions to me whatever.

By the CHAIRMAN:

Question. But in this long conference you had with the negroes, sitting upon your horse, when they expressed themselves willing to disperse if you said it was right to do so, did they say anything about the circumstances of the killing of Collins?

Answer. They told me he was killed there. They didn't say by whom or what party.

Question. Did they say nothing of the crowd that had accompanied Collins there?

Answer. No, sir.

By Mr. BLAIR:

Question. Did they say they did not know who they were and whether he had a warrant or not?

Answer. I told them, "You have acted very wrong. He was an officer of the law."

They said, "Mr. Sheriff, we knew nothing about that." "Well," said I, "That makes the offense nothing less in the eyes of the law."

By the CHAIRMAN:

Question. Did you not understand from them that they supposed this was a body of Ku-Klux, in which Collins was killed?

Answer. I understood from them, as they told me afterward, that they supposed they were the same men they had seen going in the morning and at night coming out there, and who had been disturbing them. This is what they said to me.

By Mr. BLAIR:

Question. Did you know this was Zeke High's house?

Answer. Only from what I heard.

Question. From whom?

Answer. From various parties that passed there daily, ever since I lived there, before Zeke High ever came there.

Question. And the body was lying in front of the house?

Answer. No, sir; on the north side of the house, out in the woods. It had been moved from where it was shot.

Question. Where was he shot?

Answer. At the corner on the south side of the house.

Question. At the corner of Zeke High's house?

Answer. Yes, sir.

Question. His wife stated that there was no gun fired from that house at all?

Answer. O, well, that is all stuff. I can make a little diagram and explain it. [Illustrating by marking on the table.] Here is Belmont and here were the stores up here. You come down and then turn down to the Bigby River, and here was Zeke High's house on the road, and he was killed on the corner on the south side going from Belmont; and when I found the body it was on the north side, in the bushes. I didn't see the body.

Question. Did they say they had moved it from where it was shot?

Answer. Yes, sir.

Question. It was lying near the road?

Answer. Yes, sir; as far as thirty yards from the road.

Question. Was there any other house near there?

Answer. None, sir, within half a mile, that I recollect now.

Question. Where does his brother-in-law Peter live?

Answer. I can't tell you. Peter who?

Question. Peter High or Peter Williams.

Answer. I don't know him, sir. I never heard the name before, if you had not mentioned it.

Question. What was Collins's employment?

Answer. He was a railroad man, sir.

Question. Was he employed by the railroad, working on the construction of the road?

Answer. He was employed on the railroad. I think he was a brakesman on the train. Probably at that time he might not have been, because he was here a few days. He had been knocking around town for a day or two; but he had been employed at it.

By the CHAIRMAN:

Question. Was he a dissipated man?

Answer. To tell whether he was or not, I don't know. He was a native of Tennessee. I don't know anything about him. I suppose he was like many others, took a little more at times than was necessary.

Question. Was he regarded as rather a wild, reckless man?

Answer. Yes, sir; he was rather a wild, reckless fellow; that was my notion, because I have met very few fellows I could not take and make them quiet; but he was one of these damned fools, I never could do anything with him. When I tried to keep him out of the swamp he wouldn't stay out.

By Mr. BLAIR:

Question. This Doctor Chouttean had lived here some time, had he not?

Answer. He had been practicing physic here long before the war.

Question. Did you hear of his making a proposition to his partner to poison the negroes, and get rid of them in that way?

Answer. I heard such reports, not to his partner, but to the citizens; that so far as the negros were concerned, he didn't care a damn, and if the citizens wanted it done he could damn soon poison them out of the way, or words to that amount.

Question. That was before he joined the radicals here?

Answer. Yes, sir; about the time the war closed, I think.

Question. He was anxious, then, to go into a general poisoning?

Answer. A general massacre of the whole damn crowd, I suppose. I never saw the man.

Question. How was the proposition he made treated?

Answer. With perfect contempt; because men that had treated Doctor Choutteau as a gentleman before, and a good physician, discarded him and told him if that was the kind of man he was they wanted nothing to do with him, because if he poisoned negroes, by God, he might poison somebody else.

Question. Have you heard of gentlemen here that discarded him on that account?

Answer. I might have, but paid no attention to it.

By the CHAIRMAN:

Question. You never heard Doctor Choutteau make such a remark as that?

Answer. No, sir; I never saw him.

Question. Did you ever hear that this charge was made against him before he joined the radicals?

Answer. As to what time he joined the radicals I can't tell, because I never came here until January, 1868, and I can't tell when he joined the radicals.

Question. He was a radical when you first heard of these charges?

Answer. Yes, sir.

By Mr. RICE:

Question. Was he discarded by any of his customers prior to joining the radicals?

Answer. Just as soon as he joined the radicals everybody quit him.

By Mr. BLAIR:

Question. Did not they quit him because of his atrocious proposition?

Answer. Yes, sir; that was my understanding. He was idolized, to tell you the honest truth, by the people in this neighborhood, where he practiced medicine, just as you or any other man might be in his vicinity. People thought when they died they would go to Doctor Choutteau, in a way, and when Doctor Choutteau made that infamous proposition to poison the negroes everybody dropped him.

By the CHAIRMAN:

Question. I understood you to say, a moment ago, that they all quit him when he joined the radicals?

Answer. About that time—about the time he made that proposition.

Question. Was not that proposition made long before he joined the radicals?

Answer. I only tell you what I heard; I don't know.

Question. I understand that you only heard the charge after he joined the radicals?

Answer. I did not.

Question. Did he ever lose any patrons because of that; did they ever quit him until he joined the radical party?

Answer. I can't tell you, because I was not here.

By Mr. BLAIR:

Question. I understood you to say that until he made that proposition he was a very popular man?

Answer. He was.

Question. And when he made that proposition, I understood you to say it was treated with contempt, and he was treated with contempt?

Answer. Certainly.

Question. And he then joined the radicals?

Answer. That is my understanding. I am telling it as I heard it.

Question. Do you know the party to whom he made that declaration?

Answer. I do not. I treated it as an idle rumor, and paid no attention to it at all.

Question. Was not this man Prater, who shot the negro, and who was released, drunk at the time he killed the negro?

Answer. He was, I understood, beastly drunk; I understand, sir, that he was when he killed the negro.

By the CHAIRMAN:

Question. Was his offense supposed to be any less in degree because he was drunk when he killed the negro?

Answer. Drunkenness, in this county, don't excuse a man from being hung, if it is murder. He would have been hung, certainly, if they had left him to the court.

Question. That is your opinion?

Answer. Yes, sir.

Question. Have your ever heard or known of a white man being hung for killing a negro?

Answer. Yes, sir.

Question. When and where?

Answer. Long years ago.
Question. Before the war?
Answer. Yes, sir.
Question. Since the war, have you heard of a white man being hung or punished for killing or whipping a negro?
Answer. Let me study a while. There is none on my tongue's end. I know that for minor offenses they are punished, but those that killed the negroes generally got up and dusted.
Question. A negro was of considerable pecuniary value, before the war, was he not?
Answer. Yes, sir.
Question. It was an offense against the owner to kill him?
Answer. Yes, sir.
Question. The planter then brought the man to justice for the loss of his slave?
Answer. Yes, sir. The negro had no voice in court then.

By Mr. BLAIR:

Question. This man Prater was indicted for that murder?
Answer. Yes, sir; by a grand jury.
Question. He was in prison awaiting his trial?
Answer. Yes, sir, when he was taken out.
Question. The judge had refused bail?
Answer. I think he did; that is my impression now. I don't know whether I am stating right or not, but I think he refused bail.

By the CHAIRMAN:

Question. You said you knew nothing, personally, about the matter, but referring again to your information upon the subject, I will ask you how long a time elapsed between this proposition which was imputed to Doctor Choutteau, of poisoning the negroes, and his joining the radical party.
Answer. I have no means of ascertaining, sir. I can only tell you what I heard since I came here. It is all hearsay to me. I never saw Choutteau; but that was the common rumor and report through the land, that he proposed to the citizens that he could clean the damned negroes out damn quick; that he could poison them out.
Question. Was that soon after the war?
Answer. Yes, sir. I didn't understand at what particular time; I can't tell you that.
Question. When was it your understanding that he joined the republican party?
Answer. I didn't understand that.
Question. Was he a radical when you came here?
Answer. Yes, sir, kicking up the devil all over the country.
Question. You came in 1868?
Answer. Yes, sir; the 30th January, 1868.
Question. It is not likely that he joined the radical party very soon after making a proposition to poison all the negroes?
Answer. I can't tell you; I don't know. He either joined the radical party in 1865, 1866, or 1867.
Question. He had lost all his patrons when you came here?
Answer. Nobody cared anything about Doctor Choutteau when I came.
Question. Did you understand that it was purely on account of this proposition to poison the negroes, or, coupled with it, the fact that he had joined the radical party?
Answer. I could not tell you why, for I don't know how it was. I suppose that the people—the neighbors—had been by him long enough to know he was not the right kind of a man. If he would poison one, by God, he would poison another, and they preferred to have nothing to do with him.
Question. You never heard that he did poison any one, did you?
Answer. O, no, sir.
Question. Did he leave here because he could no longer find employment?
Answer. I think he did, and because he was afraid of his scalp, I reckon.
Question. About what time did he leave?
Answer. I think, as well as I recollect, it was about the spring of 1869 he left here. I think it was the same year I came to the sheriff's office, in the fall; might have been later or earlier.

By Mr. RICE:

Question. Was there any radical party in this county before 1867?
Answer. Yes, sir.
Question. Before the reconstruction acts passed?
Answer. Yes, sir; I know there was in South Carolina. I lived there nine years ago. I suppose it was in every other State the same way.
Question. How many white men are there, that you call radicals, in Sumter County?
Answer. Mighty few.

Question. Do you know any?

Answer. I know some they call radicals. They call our probate judge here a radical, but he and I are almost down with the same disease—we are old-line whigs. I know I am honest in it, and I think he is.

Question. Besides him who are there?

Answer. There are a few others; one down at Gainesville. By picking out here and there, I might find fifteen or twenty in this county, and there may be a good many, for if they are radicals they are generally sharp enough to keep it to themselves.

Question. I am speaking of those bold and open in their profession of principles. How many are there? Are they not as scarce as hens' teeth?

Answer. Not so damned scarce as that.

By Mr. BUCKLEY:

Question. These old-line whigs do not like to be called democrats?

Answer. No, sir; nor radicals either. I am one raised and dyed in the wool—an old-line whig, and nothing else.

Question. How many colored voters are there in the county?

Answer. I think about two thousand colored voters, and about twelve hundred white voters.

By Mr. RICE:

Question. Did you have an election last year?

Answer. No, sir; we had last year for the legislature.

Question. Which way did this county go?

Answer. It went democratic by seven hundred and seventeen majority, I think, sir. It was in November, 1870, for the legislature.

Question. Did the colored men generally vote?

Answer. Yes, sir.

Question. Did they vote the democratic ticket?

Answer. Yes, sir. I was standing right there in the court-house, and my business was to keep everything fair and square and easy, and everybody came in and voted fairly and squarely, so far as I know.

Question. Did the colored men express themselves in favor of the democrats as against the republicans?

Answer. They did, sir, to me; every single one of them. It was the most peaceable, quiet election I ever saw in any place. I have been to elections ever since I was old enough to go about anywhere. I never saw a more peaceable, quiet election in my life. I didn't see anybody with whisky in them that I know of. Of course we didn't have that sort of thing here. The day before the election the whisky-shops were shut up.

By the CHAIRMAN:

Question. What political, moral, or other pressure was brought to bear on the negro voters?

Answer. I can tell you what I did. You saw that negro I had here in the room awhile ago? He was considered a big bobishee with the radicals when I came. He is as sharp as any negro. I brought him in here, into the sheriff's office, and after they saw how good he was, they said he was exactly right. I sent for a bottle of whisky, and me and him took a drink together.

Question. You and the negro?

Answer. Yes, sir; that's bully for an old-line whig and southerner! Bring him in here and ask him. I said to him, "How are you going to vote?" I told him, "I am your friend; if you can't do anything for me, don't go against me, by God." He says, "I won't." I tell you he is a negro you can tie to when he tells you anything, and if a man gets into the sheriff's office here, he can't run the machine without his sort here among the negroes. He came here next morning with a democratic ticket in his hand and put it in the box, and he said to me, "Doctor, I wouldn't do that for any other man in the world, but you have been a friend to me, and I will stand by you."

Question. Did he vote for you, or all the ticket?

Answer. Voted for the whole ticket. I was not a candidate. He voted for me because I was his friend.

Question. Did he induce others to vote that way?

Answer. Yes, sir, I believe he did. I know he chawed up an old man here in town as bad as any man you ever saw—old Uncle Billy Ustick.

Question. If your man had voted the republican ticket that day you would not have discharged him?

Answer. No, sir; I should not have cared whether he voted for hog or dog.

By Mr. RICE:

Question. How did they vote in the presidential election, in 1868?

Answer. They went radical right square along for Grant.

Question. Throughout the county?
Answer. Yes, sir.

By the CHAIRMAN:

Question. How large a majority did Grant receive?
Answer. I do not remember.
Question. Two thousand?
Answer. I don't remember. I know I lost my ticket in the row. I voted for Seymour and Blair, and got beat.

By Mr. BLAIR:

Question. I have a memorandum, and I think this is the vote: The number of votes cast in the Grant election was 3,985; in the governor's election, 3,493.
Answer. There has been a steady falling off.
Question. Grant received 2,927, Seymour 869, making Grant's majority upward of 2,000. Smith received 1,790, and Lindsay 1,825—that was in 1870—which made a democratic majority of how much?
Answer. It was 717, as well as I recollect.
The CHAIRMAN. There was a change of votes in two years of about twenty-seven hundred.

By Mr. BUCKLEY:

Question. What has been the general conduct of the colored people in this county as laborers?
Answer. If you will let me explain, I will furnish a fair showing. The nature of a negro is to get out of all the labor he can. Others do well, with a few exceptions, of course.
Question. Their general conduct has been good?
Answer. Yes, sir. If they were let alone by unprincipled scoundrels—those here are natives—and if let alone, they would be as quiet and peaceable as could be, taking the race into consideration.
Question. Do you have any trouble in executing processes among them?
Answer. Not a particle; because I always send that man Adam, that I just spoke about, after them with the paper, and I lie down quietly as though I had them here.

By the CHAIRMAN:

Question. You mean your colored man Adam?
Answer. Yes, sir; my colored boy Adam.

By Mr. BUCKLEY:

Question. You never have to raise a posse in order to arrest a colored man?
Answer. No, sir; he is posse enough.
Question. Do you think there was any need of taking such a posse to arrest High?
Answer. The truth of the matter is this: I was summoned down there as sheriff to keep peace and quiet, and they got up this warrant, and wanted me to go into that swamp about sundown, when they got the warrant fixed up; and I refused to go, because I was advised by the old, steady people not to go in there, because it was an interminable swamp, and the sequel proved that it was the damndest palmetto brake that you could find. I can take two hundred and fifty men there, and whip out any army that tries to get in there. I told this man Collins not to go in there, but he would still go in there.
Question. Do you not think he could have arrested that man in the day-time, without a posse?
Answer. I would have tried it next day. I could not have told what state of excitement the negroes were in, but if he had resisted it, I would have put all my men in, at all hazards, because he would have been resisting a lawful officer.

LIVINGSTON, ALABAMA, *October* 30, 1871.

JOHN G. HARRIS sworn and examined.

The CHAIRMAN. This witness being called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Where do you reside, and what is your profession?
Answer. I reside at Livingston, Alabama, and am a lawyer by profession.
Question. How long have you resided here?

Answer. Since 1866, in this place.

Question. You are a native of Alabama, I believe?

Answer. Yes, sir.

Question. Were you in the confederate army?

Answer. Yes, sir.

Question. Did you happen to know in the confederate army, during the war, a man by the name of Dr. Blackford?

Answer. Yes, sir; I did.

Question. Was he a surgeon?

Answer. He was recognized as a surgeon in the confederate army, sir.

Question. Do you recollect that he was court-martialed and dismissed, and for what offense?

Answer. Well, sir, I will state all the facts that I know concerning the matter. I was not present at the time the trial occurred; but while at Vicksburgh, the latter part of 1862 or first part of 1863, he called on me, knowing me; I was his attorney before the war in Greensport, where I lived. He came to see me to defend him before the court-martial, stating the charges that were preferred against him—some of the charges; I didn't see the charges—and among other things, the principal charge was, selling medicines that had been applied for the benefit of the sick. That was one of the charges; I do not remember, but that was the principal charge that he told me about.

Question. Medicines and liquors?

Answer. Yes, sir; of the liquors, probably, he mentioned the whisky, particularly.

Question. Was he convicted on the charges?

Answer. Well, sir, I don't know, general, of my own knowledge, but he was dismissed the service. I know he left there, and never entered the service any more to my recollection.

Question. He could not have been tried by a court-martial on those charges unless he had been a commissioned officer?

Answer. I think not, sir, under the regulations; that is my recollection of the confederate regulations.

Question. What was his character in the army—good, bad, or indifferent?

Answer. Well, sir, he was not regarded as a very good man among those of us who knew him.

Question. His character was bad?

Answer. Yes, sir; I considered it so.

Question. You have been living here, you say, since 1866?

Answer. Yes, sir.

Question. Have you been engaged in politics any?

Answer. Some little, sir; last year only.

Question. Were you a candidate for Congress last year?

Answer. Yes, sir; in opposition to Mr. Hays. I canvassed this district.

Question. Was there a large number of colored people voted the democratic ticket in this region of country?

Answer. Yes, sir; there was a good large number.

Question. How were their votes procured—by any intimidation, or threats, or coercion?

Answer. None in the world, so far as I know. I will state that I was here on the election day, at this place, and we all took a hand. The colored people and the white people all took a hand in electioneering, and the colored people electioneered for their candidate—the opposition candidate, the republican candidate—with as much zeal, energy, and activity as the white people did.

Question. I observe that there was a considerable change of the vote in this county, especially; that is to say, there was a very largely increased democratic vote and a largely diminished republican vote; it has been asserted that the negroes were intimidated and compelled to vote the democratic ticket.

Answer. Well, sir, nothing of that kind has ever been brought to my knowledge—nothing; no intimidation upon either side; upon the contrary, I do not think I ever saw an election pass off more quietly and more agreeably than the election did at this place, and at any other place in this county. If there was any disturbances in any way, or any threats or intimidation, I am not aware of it; nor has it ever come to my knowledge, directly or indirectly.

Question. The democrats made an earnest effort to obtain the negro vote, by reasoning with them and by appeals to them?

Answer. In this county there was a very energetic canvass, sir, and the colored people were invited to come out and listen. I remember the night before the election here we had a very enthusiastic meeting in this house; at which time several colored people made speeches, and there was a general mixing and mingling of the white people and black people, and all seemed to be in good spirits and in good humor, and there was a good many colored people in the court-house here who were opposed to the democratic party.

Question. Do you know anything of a transaction which took place in Meridian in regard to the Ku-Kluxing of a negro man—Adam something?

Answer. Adam Kennard? Yes, sir; I know this much concerning that transaction: This boy, Adam Kennard, as he states himself to be—I acted as his attorney in that matter—went to Meridian to get some hands to come here to work in this county, having learned that there was a goodly number of them there out of employment. He went down, and out in the outskirts of the town he spent the night. Some time during the night he was aroused by ten or twelve persons coming in and taking hold of him. The moon was shining very brightly, and he was carried out of town, down into some woods, and was there whipped very badly, very severely; his clothes were taken off of him. He came home next morning and told me the facts.

Question. Is he here?

Answer. Yes, sir; he lives here. He came home and told me the facts, and asked me if I would go there with him and prosecute the case. I told him certainly I would, and I did go with him. He stated the man to be Daniel Price, who had lived here, and had been a great friend of his, apparently. Price was arrested on the affidavit of Adam Kennard, which affidavit I have and the writ of arrest and the bond, under the signature of the justice who was acting as a justice at that time and afterward was killed—killed at some time after that. Price was arrested, and the case came up for hearing, and he was not ready for trial; it was continued to the second time. The second day appointed for trial, this boy Adam went with me the second time down there, and this man Price failed to appear, and forfeited his bond. Adam stated to me that he knew Mr. Price was the leader. I asked him why he knew, and he said that, in going out into the woods, a bush jerked his mask off of his face, and he saw him; that he knew his voice before, but he saw him face to face.

Question. Who was this man Price?

Answer. Well, sir, he was a man who came here in 1867, I think, sir; taught a colored school here.

By Mr. BUCKLEY:

Question. Where did he come from?

Answer. He came from Wetumpka here; that was his native home. He was born in Wetumpka.

Question. Elmore County?

Answer. Yes, sir. His father lived there a long while, I understand. He taught a colored school. I think, in 1868, he was elected as circuit clerk.

Question. Was he a radical?

Answer. Yes, sir.

Question. Elected as a radical?

Answer. Yes, sir, elected as a radical in 1868; and he held his office here as circuit clerk until he left last year. I think he left here last year, sir.

Question. Were the other men who were with Price in this Ku-Klux business white men or negroes?

Answer. Well, sir, I am not able to say. I think this boy told me he thought they were negroes; his impression was that they were negroes, because they had threatened him the evening previous. The night he was whipped they had threatened to whip him out of town.

Question. What was the motive, did he say, for Ku-Kluxing him or whipping him?

Answer. They said to him that he should not come down there and take negroes away; that Price intended to run for mayor, and that they wanted them all there to vote. I know nothing of these facts myself, except the statement of Kennard to me.

Question. He wanted to run for mayor of Meridian?

Answer. Yes, sir. The trial never came off; there was no investigation, no witnesses examined.

Question. Simply because he had forfeited his bond?

Answer. Yes, sir, and disappeared.

By the CHAIRMAN:

Question. Where is this Adam Kennard?

Answer. He is acting here now as deputy sheriff, or assisting our sheriff.

Question. He is a strong democrat, is he not?

Answer. I don't know whether he is or not. I hardly know what he is.

By Mr. BLAIR:

Question. He was not at that time?

Answer. He was not at the time, and he states that he has voted the democratic ticket; probably he is; I don't know.

By the CHAIRMAN:

Question. The sheriff is a democrat?

Answer. I can't say that he is.

Question. He votes the democratic ticket?
Answer. I understand he says to-day that he has never voted a democratic ticket and never expects to. He has never told me that. I have never known him to vote the ticket. I don't know what ticket he does vote.
Question. He is opposed to the radicals, at all events?
Answer. I can't say that he is. I can't say that he is opposed to the radicals.

By Mr. BLAIR:

Question. He got his appointment from Governor Smith?
Answer. He received his appointment from Governor Smith by the recommendation of Charles Hays, because he consulted with me before he made his application. He came here and consulted with my partner and myself in regard to making an application, and told me Mr. Hays would recommend him.
Question. Mr. Hays hardly ever recommended any democrats?
Answer. I never have known him to recommend any. I didn't at that time, and do not know that he ever recommended any democrats.
Question. And Governor Smith very seldom appointed any democrats?
Answer. Well, sir, I didn't know of any democrats that Governor Smith had appointed at the time.

By Mr. BUCKLEY:

Question. At the time the present sheriff was appointed, had you a single white republican in Sumter County?
Answer. Well, sir, we had men here who were regarded as republicans—white men who were so regarded.
Question. Do you know whether there was one or not?
Answer. I do not. I don't know that there was one; but Price was here, and he was recommended as a republican and acted with the republican party; and Judge Abrams acted with the republican party, and Mr. Meredith.
Question. Those two first-named gentlemen were already holding office, were they not?
Answer. Yes, sir.

By Mr. BLAIR:

Question. These gentlemen did not object to holding more than one office, did they?
Answer. No, sir. We had one radical here that held six offices.

By the CHAIRMAN:

Question. Give his name to the committee and the different offices. I would like to have a record of that.
Answer. Edward Herndon. He was circuit clerk, register in chancery, notary public, justice of the peace, keeper of the poor-house, and guardian *ad litem*, and I don't know if there was not another one, if I could recollect. I was thinking of saying seven, but there were six.
Question. Is that regarded as an office—to be appointed a guardian *ad litem* for a minor?
Answer. I think it was regarded as an office by an act of the legislature.

By Mr. BUCKLEY:

Question. At what time did he hold six offices?
Answer. Last year some time, I understand.

By Mr. BLAIR:

Question. And guardian *ad litem* was not simply in one case?
Answer. He was appointed by Judge Abrams guardian *ad litem* in chief.
Question. In all cases where such an appointment was necessary?
Answer. Yes, sir; he is now register in chancery, and notary public. I believe notary public and justice of the peace go together.

By the CHAIRMAN:

Question. So you count that only one office?
Answer. Well, I do not know, Senator, whether it is one office or two. He acts as notary public, and then he is *ex-officio* justice of the peace with it, so that he can put his notarial seal to documents when a justice's seal would be of no avail.
Question. Is a keeper of the poor-house an officer who takes an oath and gives bond?
Answer. He is appointed by the commissioners' court.
Question. Is he an officer who gives bond and takes an oath?
Answer. I don't think he gives bond, and I am not certain that he takes an oath. I don't think that he does. I don't think he gives a bond or takes an oath; but we speak of the keeper of the poor-house as an officer.
Question. It is not uncommon that the same person should be circuit clerk and register in chancery, is it?

Answer. It is common now, sir, I believe.

Question. Is it not allowed under the law?

Answer. I think the law permits it; but then it is a distinct office.

Question. The law allows one person to exercise the functions of both offices?

Answer. Yes, sir; he is not holding these offices contrary to law, sir. I think it is under the laws of the State.

By Mr. BLAIR:

Question. Are there not a number of instances in which officers, though members of the legislature, have at the same time been Federal officers in this State—officers in the custom-house at Mobile, and at the same time representatives from counties in the interior of the State?

Answer. I know that Senator Yordy is the senator from this county, and I understand he is an officer in the custom-house at Mobile. I don't know that to be true, but I understand that to be the case. He is not residing here; has not been among us since he has been elected senator. If he has, I am not aware of it.

Question. It has grown up to be quite a practice to hold a plurality of offices in this State, has it not?

Answer. Yes, sir; that has been the case in our county here to some extent; but I don't know of any other cases than these I have mentioned—Senator Yordy from this county probably holding an office in the custom-house in Mobile. I don't know that to be true, but that is the information we have received here. And Major Herndon held these offices here.

By Mr. BUCKLEY:

Question. Is Major Herndon a republican?

Answer. Yes, sir; he is a republican—acting now with the republican party. I don't know that he is now acting with the republican party. He was when he left here.

Question. Does he reside now in Mobile?

Answer. No, sir; he is off somewhere in Virginia for his health. He went some three or four months ago.

Question. He was appointed circuit clerk after Price resigned?

Answer. Yes, sir; after Price resigned, he was appointed circuit clerk.

By the CHAIRMAN:

Question. Do you know that Dr. Blackford was tried by a court-martial upon these charges, or upon any of them?

Answer. I do not, only from rumor, report. I will state, as I have stated, that he came to me and conversed with me in regard to defending him.

Question. Why did you not defend him?

Answer. I was not in a condition to do so; and furthermore, I didn't feel willing to defend him.

Question. Did he not state to you as his counsel that he was innocent of the charges?

Answer. No, sir; he did not state that fact. I hadn't agreed to defend him, and he merely told me the charges.

Question. So he did not state to you the facts upon which those charges were preferred?

Answer. No, sir; he only stated the charges. He may have stated to me that he was innocent of the charges. I have no doubt he did state that fact; I don't remember.

Question. Do you know that he was dismissed the service; or may he have resigned?

Answer. I do not know, sir. The report was to me that he was dismissed the service. That was the report in camp. I can't say that he was dismissed the service, or resigned.

By Mr. BLAIR:

Question. Did you have this information from persons on whom you could rely?

Answer. Yes, sir; I had it from my superior officers—regimental officers. I never heard a brigade officer or higher officer speak of it.

By the CHAIRMAN:

Question. Did you hear any officer of those who composed the court-martial say that?

Answer. I did not.

Question. Do you know, in point of fact, that the trial took place?

Answer. I do not, sir.

Question. Do you recollect the vote that was given in 1868 for the Grant and Colfax ticket, and the vote that was given for the Seymour and Blair ticket?

Answer. I do not, sir. I do not remember the vote that was given.

Question. Was not the majority of the republican vote that year something over 2,000?

Answer. I can't say. I don't remember. I will state this much, that the vote as recorded in Hodgson's Manual is regarded as the official vote of the county.

Question. [Referring to Hodgson's Alabama Manual, 1871.] Looking to the table of the vote for President in 1868, I will ask you to state whether the Grant and Colfax ticket did not receive 2,516 votes against the Seymour and Blair ticket, which received 1,469 votes in Sumter County?

Answer. Yes, sir; I think that is about correct. I have no recollection of the official count at the time, but I suppose that is about correct.

Question. Was that pretty nearly the full vote of the county in that year?

Answer. Well, really, sir, I can't tell.

Question. That represents about 4,000 votes?

Answer. I think, sir, the registered vote was between 4,000 and 4,500; somewhere thereabouts.

Question. What was the registered vote last year, at the time you were a candidate?

Answer. I don't remember, sir.

Question. Was that as large as that of 1868?

Answer. I cannot answer whether it was or not.

Question. How many votes did you receive in Sumter County, and how many did Major Hays receive?

Answer. I cannot recollect.

Question. [Consulting the manual.] I will ask you whether the official vote in Sumter County, at the election for a member of Congress last fall, was not 1,437 for Hays, republican, against 2,055 cast for yourself?

Answer. I think my majority was 600 and some odd. That is about correct, I reckon, sir.

Question. Six hundred and eighteen?

Answer. It was about that number; I don't remember, but it was 600 and odd.

Question. There was a falling off, then, from the vote cast at the presidential election in 1868 of about 600 votes, was there not?

Answer. Yes, sir; I suppose so.

By Mr. BLAIR:

Question. About 500?

Answer. I don't remember the amount. I remember after the election gentlemen were conversing in regard to the number of votes at that election and the number before, but I don't remember the amount, but there was some falling off.

Question. I have 3,492, which makes less than 500.

Answer. I will state another fact in connection with that falling off, which I have no doubt is true in the entire county, that a good many persons had changed localities in various places; some had come in and some had gone out. I know some had moved here from my old county, (Hale,) and some had moved away.

Question. A good many negroes were taken over to the Mississippi River for planting purposes?

Answer. Yes, sir; I know a hundred from my neighborhood, and the people about Sumterville. The people were a good deal alarmed there, for fear so large a number would go off that they would not have labor.

By the CHAIRMAN:

Question. The democratic vote was very largely increased and the republican vote was very largely decreased, was it not?

Answer. Yes, sir; there was an increased democratic vote and a decrease in the republican vote.

Question. And an actual change in the result of some 1,500 odd votes, was there not?

Answer. Yes, sir; I suppose there was.

Question. You say you know of no coercion or duress or oppressive means, or threats of violence of any kind influencing that result?

Answer. Nothing in the world in this county. I speak for this county; I know nothing of other counties; but in this county there was nothing of that sort—nothing whatever.

Question. If let alone and uninfluenced, do you not think the colored people, as a general thing, would vote the republican ticket?

Answer. Well, I think not, sir. I think there is a great change going on among the colored people here in regard to the treatment that they have received from some of the republicans, and which I can state of my own knowledge, which occurred here in 1866 or 1867, which has influenced a change.

Question. That influence could not have operated in 1868, when there was so large a majority cast for the republican ticket.

Answer. It begun at the time—the influence begun at that time.

Question. Did any of the colored people vote for the Seymour and Blair ticket in 1868?

Answer. Some, sir.

Question. Very few, were there not?

Answer. I don't know; some, I know.
Question. How many registered white voters had you in this county in 1868?
Answer. I don't remember, Senator.
Question. How many have you now?
Answer. I don't remember. I can only recollect the numbers by a reference, and I have had nothing to call my attention to that.
Question. Do you not think there are as many as 1,500 registered white voters in this county?
Answer. I don't think there are quite that many; there may be that many.
Question. Of these 1,500 white voters, (if you have that number,) what proportion vote the republican ticket, in your estimation?
Answer. Well, sir, I don't know. I don't think there are many vote the republican ticket.
Question. Do you think there are a dozen?
Answer. Well, sir, I don't know that there are more than a dozen in this county.
Question. Did you take special pains in canvassing to obtain the votes of colored people?
Answer. Only, sir, by addressing them at the various precincts—those who came out to hear me.
Question. Did Major Hays canvass with you?
Answer. He did not.
Question. What was the reason of that?
Answer. There were no letters passed between us—no invitation between him and me—to canvass together. It seemed to be a mutual agreement that each one should himself canvass.
Question. Did he canvass in this county at all?
Answer. I don't know whether he was here or not.
Question. Did he make a single speech in Sumter County?
Answer. I don't know that he did; I don't think he did.
Question. Was he not afraid to come here?
Answer. I think not.
Question. Do you think he would have been safe to come here and address a political assemblage?
Answer. I do, sir. I think if he had notified the people here that he was coming, he would have been safe.

By Mr. BUCKLEY:

Question. Were those treated with respect who did speak here?
Answer. I understand some men acted improperly; and so I have had men act improperly with me in the canvass.
Question. Do you refer to the time ex-Senator Warner and Governor Smith spoke?
Answer. Yes, sir; I recollect the time.

By the CHAIRMAN:

Question. Does Greene County join Sumter?
Answer. Yes, sir.
Question. Do you not consider that the republican speakers were in danger on that occasion at Eutaw, without going into the merits at all?
Answer. I can't say, Senator; they may have been in danger, and they may not have been. I will state this fact: that there are a few men, probably in this county and probably in Greene County, for whose acts the people—the good people—are not responsible. We have plenty of people here and in Greene County—a very large majority—who would protect, if necessary, under any circumstances, any republican speaker who would come here to address the people.
Question. Why did they not?
Answer. They did do it here; they have done it here.
Question. Why did they not do it in Greene County?
Answer. I can't answer that; I don't know of their disturbances there.
Question. Do they protect the people here who are in the custody of the law?
Answer. I suppose they do, sir.
Question. Did they protect the negro who, in the latter part of September, was in the custody of the law under the control of the jailer and sheriff?
Answer. I don't know whether any one was alarmed or notified of anything connected with that transaction. The sheriff was here, and I was living in this town. I was here, and, had I known it, I would have gone to his assistance. And I stated that in the canvass last fall, and I denounced lawlessness and everything of the sort everywhere I went.
Question. Were you in town on the night that man was taken out of jail and murdered?
Answer. Yes, sir; I was in town the night the sheriff reported him to be taken away.
Question. You heard it next morning?

Answer. I did.

Question. Did you, or your friends, or the white people here generally, make any hue and cry and pursuit after the murderers?

Answer. The sheriff came and summoned some one. He said he was going to summon a posse and go after them.

Question. To go after them, or to find the dead body?

Answer. He went in the direction the party went.

Question. He stated here that he summoned a party and searched for the body, but not that he went in pursuit of the murderers.

Answer. I understood he went in that direction.

Question. Did he and the posse go in pursuit of the murderers?

Answer. I don't think they did.

Question. Why was not an earnest attempt made on the part of the good people of the town to pursue, arrest, and bring to justice these violators of the law?

Answer. They were ready to go at the summons of the sheriff or any officer. The sheriff stated that these parties came up on the railroad. That was his impression, that they came up on the railroad, and went off on the railroad that night. So he stated to me.

Question. Was it your information that they came on horseback?

Answer. No, sir.

Question. And went out on horseback, one party going in the direction of Bennett Station, another to York, and another to some other place?

Answer. No, sir; that was not my information. The sheriff informed me next day his impression was that they came on a hand-car here, and went off on a hand-car. It was not until the second or third day that I heard of the horseback party going in this direction.

Question. You are satisfied now that they did come upon horseback?

Answer. That is the impression now—that they came upon horseback.

Question. There had been another rescue of a prisoner of different color from the jailer before that, had there not?

Answer. Yes; a man named Prater.

Question. Prater was a white man?

Answer. Yes, sir.

Question. And he was there for killing a negro?

Answer. Yes, sir.

Question. Was there any earnest effort made to punish the men who took Prater and released him?

Answer. I am not aware of that fact. I was not here at the time.

Question. You were not living here?

Answer. I was living here, but was not here.

Question. You heard of the transaction when you came home?

Answer. Yes, sir.

Question. Was there any effort made to either pursue and bring back Prater, or the men who had released Prater, to justice?

Answer. Well, sir, I don't know that I can say that there was much of an effort made, sir; I don't remember. I can't state that fact. I don't know whether the sheriff went in pursuit of them or not.

Question. Were you here at the time that the house of Dr. Choutteau was visited by a band of men at night?

Answer. Yes, sir; I was here.

Question. At the time Coblentz was killed?

Answer. Yes, sir; I was here then.

Question. That was regarded by the good citizens as a very great outrage, was it not?

Answer. Yes, sir, it was.

Question. Was there any effort made to bring to justice the perpetrators?

Answer. There was, sir; and the sheriff pursued the party for over twenty miles.

Question. Were the party upon horseback?

Answer. The party was upon horseback.

Question. Did the sheriff pursue them single-handed?

Answer. No, sir; he had some persons with him. I don't know how many.

Question. In what direction did he pursue them twenty miles?

Answer. It is not twenty miles either. He went as far as Coatopa—fifteen miles. The report to him was that they crossed the river at Moscow, and he turned back from there, I think; but he may have gone to Moscow; that is some eighteen miles, I think.

Question. The search was ineffectual, was it?

Answer. Yes, sir; they saw the blood along on the road, and they pursued in that direction.

Question. The blood of the party that had been shot?

Answer. No, sir, the blood of some other party.

By Mr. BLAIR:

Question. One of the party attacking the man killed?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was that Coblentz?

Answer. No, sir; Coblentz was the man who was killed here.

Question. He was guarding Choutteau's house?

Answer. Yes, sir.

Question. And one of the assailants was shot?

Answer. Yes, sir; that was the supposition from the blood they saw.

Question. What was Coblentz's offense?

Answer. None in the world, that I know.

Question. What was Dr. Choutteau's offense?

Answer. Dr. Choutteau was very objectionable here to some of the people, for different reasons.

Question. State the reasons. The committee desire to know the justification or excuse for these violations of law.

Answer. He lived up near Ramsey Station. He was trafficking there with the colored people—trading at night, having a great many of them around him staying with him, and he had made them his associates entirely; he had quit associating with the white people, and was associating with them; and his house had recently been burned up, and he had had the parties arrested, probably for that offense.

Question. For the arson?

Answer. Yes, sir.

Question. Was it supposed that this raid was made in revenge for his attempt to punish the men who had burned his house?

Answer. No, sir; it was for a combination of various causes.

Question. Was one of these causes that he was a radical?

Answer. I don't think that that was the prime cause at all.

Question. But the fact was, that he was a radical, exercising considerable influence over the colored people at the time, was it not?

Answer. No, sir; he had but little influence with the colored people, so far as controlling their votes was concerned.

Question. In what year did that take place?

Answer. I don't think I can remember the year.

Question. Was it last year?

Answer. No, sir; it must have been two or three years ago, probably in 1868 or 1869. If it is necessary, I can get the exact date; I don't remember it.

Question. There was a man by the name of Houston shot the same night, was there not?

Answer. Yes, sir.

Question. Under what circumstances was Houston shot?

Answer. I don't know, sir. Houston was living in this town; I don't know what prompted them to shoot him.

Question. Is it supposed that he was shot by the same parties that raided Dr. Choutteau's premises?

Answer. That is the supposition.

Question. Is it your information that they were a body of men disguised and armed?

Answer. The information is, that there was a party of men—probably eight or a dozen—and the supposition was that they were disguised. Some of the evidence is that they were disguised.

Question. Disguised after the manner that the Ku-Klux Klan are reported to be disguised?

Answer. Well, sir, they had various disguises over their heads—so stated by some witnesses, I understand. I did not hear the investigating trial.

Question. There is a place called Sumterville in this county, is there not?

Answer. Yes, sir.

Question. Did you ever hear of a negro living at Sumterville, or in its vicinity, who had his ears cut off, and was badly beaten, some few months ago?

Answer. Yes, sir; I know a negro who had his ears cut off, in this county.

Question. Was he badly beaten besides?

Answer. Yes, sir; this one was whipped right smartly.

Question. Please state what information you have on that matter.

Answer. I will state to you the information the negro and one white man gave me in regard to it. I have the negro; I took the negro after this occurrence, and kept him at my place up there for protection. A man by the name of Thomas cut his ears off; threatened to hang him, and threatened to shoot him.

Question. What was the name of this negro?

Answer. His name was Danger Brown.

Question. Who did you say was charged with doing it?
Answer. W. R. Thomas.
Question. Proceed with your narrative.
Answer. I will state the circumstances connected with it. This man Thomas was clerking for a gentleman in Sumterville. It seemed this boy had purchased some articles from Thomas, and had failed to pay him. He had been working on the railroad, and I think it was on Saturday night, on his return from the railroad this man Thomas called him up to the store, and took him in the store and told him he had to pay him. He told him he didn't have it. He just simply put a rope around his neck, and took him out to a horse-rack, put the rope over, and was about to hang him, when some man came up and cut the rope loose; and he tied him up a second time, and cut his ears off. Just such characters as that are doing the damage in the country.
Question. When did that occur?
Answer. It occurred some time this year. I reported that fact to the solicitor of the county.
Question. What has been done with Thomas?
Answer. Nothing, that I know of.
Question. He is still clerking in Sumterville, is he?
Answer. No, sir; he has gone from there.
Question. When did he leave?
Answer. He left directly after that—the next day or two. The negro came down—he was not living with me—he came down and I let him remain on the premises. Thomas was not disguised at all; it was a mere personal pique.
Question. Did you ever hear of the case of Jasper, a negro man, who was taken out of jail, hung, and then shot?
Answer. Yes; from this jail. There was a negro man put in jail here by the name of Jasper, and was taken from the jail and hung near this place; he was found hanging to a limb near this place.
Question. Was that said to have been done by a band in disguise?
Answer. I don't remember whether it was by a band in disguise; I don't remember that they were disguised.
Question. Was it known who the men were?
Answer. No, sir; I never have heard any one's name mentioned.
Question. Was any effort made to discover the men?
Answer. Yes, sir; an effort was made here a long time, I understand, by the grand jury.
Question. No other effort except the inquiries which the grand jury instituted, that you know of?
Answer. No, sir; I don't know; I don't remember whether the jailer or sheriff pursued them or not.

By Mr. BLAIR:

Question. What offense was this negro charged with committing, who was taken out and hung?
Answer. He had been charged with killing a young man at a store up here about six miles, which he acknowledged that he did do, and told of another negro who was with him. He called him to the door and shot him, and then rifled his store, and made his escape down the river and over to Selma, and was there arrested, brought back, and put in jail.

By Mr. BUCKLEY:

Question. Had he been tried?
Answer. Yes, sir; he had been committed by the magistrate only.
Question. He had not had his final trial?
Answer. No, sir; he hadn't.

By the CHAIRMAN:

Question. Do you recollect any other jail deliveries?
Answer. Let me see; Jasper, Prater and Zeke High, or Zeke Williams.
Question. Those are the three cases you have enumerated; do you think of any others?
Answer. I don't remember of any others.
Question. Do you recollect of hearing of the case of Richard Burk?
Answer. I have heard of that, Senator. I know nothing about it. I heard lately about it; it occurred at Gainesville.
Question. He was a colored man, and a representative from this county?
Answer. Yes, sir; I think that is correct.
Question. Is it your information that a band of disguised men went to his house after night and killed him?
Answer. Yes, sir; the information I received was that a band of men—I will not say

that they were disguised; I don't remember whether I was informed that they were disguised or not—but that a party of men went there, and he was killed.

Question. Had he any other offense than being a radical representative from the county?

Answer. I know of no offense that he was charged with whatever—no offense.

Question. Do you recollect of a negro boy at Gainesville, who was sitting in a bar-room there, being shot, within a year past?

Answer. No, sir; I don't remember of any case of that sort.

Question. Do you recollect of a negro being killed in William McCree's field in July, 1871?

Answer. No, sir; I don't remember anything of that sort.

Question. Do you recollect of any other instance having occurred in this county, of killing or whipping of colored men by bands of men?

Answer. I know of but one other instance.

Question. You may state that case.

Answer. The negro whom I have now here in town was whipped some time ago by three or four men.

Question. What was the name of the negro?

Answer. His name is Charles Brown.

Question. When was he whipped?

Answer. It has been some time ago; I don't remember now; some five or six weeks ago.

Question. State the circumstances.

Answer. I can only state to you that he had been accused by some negroes on the premises of stealing a hog, and his impression is that they came there that night and whipped him, (these negroes,) and he became very much frightened, and came to see me, and I took him here to my house for his protection.

Question. He was whipped in the night-time?

Answer. Yes, sir; his impression is that they were negroes.

Question. Does he say the men were disguised?

Answer. Yes, sir; he said he couldn't tell who they were.

Question. How many did he say there were?

Answer. Some three or four, sir.

Question. Does any other case occur to you?

Answer. No, sir; that is the only case; and I am making every effort now to ascertain these parties. I think I will get evidence against them.

Question. That were concerned in the whipping of Brown?

Answer. Yes, sir; and Thomas whipping this other boy.

Question. Are you county solicitor?

Answer. No, sir; but I am acting for them. I am using every effort to ascertain who did it.

Question. What is the name of your county solicitor?

Answer. R. Chapman, jr.

By Mr. BUCKLEY:

Question. Have you ever heard of the shooting of Hale Richardson on the same night Richard Burk was shot and killed?

Answer. No, sir; I didn't know him; I never heard of him.

Question. At Gainesville?

Answer. I don't think I ever heard of that occurrence.

By the CHAIRMAN:

Question. Price, that you mentioned, is a southern man, raised in this State?

Answer. Yes, sir; I think he was raised in this State.

Question. He lived here in 1870, and went to Meridian?

Answer. I think he left here last year; I think he went off last year.

Question. You have no knowledge yourself that it was by Price's procurement that this colored boy was whipped?

Answer. No, sir; not of my own knowledge—only from this boy Adam Kennard's statement to me; and upon his evidence I intended to prosecute the case.

Question. Have you any knowledge that Senator Yordy is holding an official position under the employment of the United States in the custom-house at Mobile?

Answer. No, sir; only from report.

Question. You do not know that he is a State senator at this time?

Answer. Yes, sir; he was elected senator.

Question. And has never resigned?

Answer. Not to my knowledge.

Question. You have spoken of the case of Major Herndon holding several offices or employments at the same time, and I understand you to say that this is authorized by law; that is to say, he is not prohibited by the laws of Alabama from exercising those several employments?

Answer. That is my understanding—that he is not prohibited by the laws of Alabama from holding those offices.

By Mr. BUCKLEY:

Question. I would ask from whom he holds this position. Did you say he was appointed circuit clerk?

Answer. Yes, sir.

Question. By the governor?

Answer. Yes, sir.

Question. He was appointed register in chancery by the chancellor of the division?

Answer. Yes, sir; he was appointed notary public and *ex-officio* justice of the peace by the governor; he was appointed poor-house keeper by the commissioners' court, and he was appointed guardian *ad litem* by the probate judge.

Question. So these employments come from three or four different sources?

Answer. Yes, sir; different sources.

By the CHAIRMAN:

Question. Does the guardian *ad litem* take any other oath than to faithfully discharge his duties toward the minors whose interests he is called upon to protect?

Answer. I think not, sir; I don't remember, sir, that there is an oath prescribed for him.

Question. Does he receive any compensation for appearing for these minors in the case of service, and making a nominal defense?

Answer. Yes, sir; he receives, I think, not over $5 for each.

Question. Taxed as a fee in the case?

Answer. Yes, sir, in the costs; from $2 50 to $5.

Question. In point of fact, does the guardian *ad litem* make any active defense, or put in an answer admitting the minority of the defendant, and denying the allegations in the plaintiff's complaint, and require strict proof to be made? Does he do anything further than that in conducting the defense as guardian *ad litem*?

Answer. Yes, sir; he sits by and examines their vouchers; sees whether they are correct or not; if they are not correct and in accordance with the statute, he objects to them, and upon his objections to them, they make up an issue upon that voucher, and it has to be tested by the probate court. If the judge decides that it is a proper voucher, it is passed, and so on down.

Question. Then he is simply an attorney for the minor?

Answer. Yes, sir; he is the representative of the minor.

By Mr. BUCKLEY:

Question. You spoke about the burning of the house of Dr. Choutteau?

Answer. Yes, sir.

Question. Another witness has given some testimony before the committee in regard to it. I would like to ask if it is in accordance with your understanding of the case. 'An old man by the name of Choutteau had been notified to leave. An Irishman was at his house guarding it. I do not know the name of the Irishman. A party came there that night, disguised, and fired into his house; this man fired back at them, and one of them was killed. At the spring term of the court, one or two parties—I do not now recollect which—but one party, I know, was indicted for the crime of arson. I learned from the solicitor, at the next term of the court, that every one of the witnesses, except this man Choutteau, who had left the county, had been killed in the county within six months after the indictment was found." [P. 103.]

Answer. I know nothing of that transaction at all; I know nothing about Dr. Choutteau being shot at; he came here and staid here.

Question. It says his house was shot into.

Answer. I know of no one being killed.

Question. Was not Coblentz shot at?

Answer. Not at his house. Choutteau's house is away up here six or seven miles.

Question. That, I understand, had been done previously, and he was nearer here when he was shot at?

Answer. Yes, sir; at this place Coblentz was killed, and another one of the attacking party was killed; that is supposed to be the case. The Irishman—that I presume means Coblentz; but he was a German.

Question. Do you know whether Dr. Choutteau had received a notice to leave?

Answer. No, sir; I have not heard of it; that may be true, and may not be true.

Question. Mr. Harris, have you ever heard that the reason that Mr. Yordy does not come to your county and remain here and live here is, that he feels unsafe; that he is apprehensive of personal violence, after all these other occurrences?

Answer. No, sir; I have never heard of that; and I have conversed three or four times since Mr. Yordy has been our senator from here with him at the State capital, and have letters from him. Several of our people here have written to him whenever they wanted a measure through the legislature.

Question. He is willing to serve you in that capacity?
Answer. Yes, sir; he serves us in that capacity.
Question. After all these occurrences which you have referred to, do you not think very justly he may have apprehensions of personal violence if he comes here?
Answer. He may have apprehensions of that sort; but I will say emphatically that I have no idea that Senator Yordy would be interfered with here.
Question. Still, he may think differently, after these other occurrences?
Answer. He may think differently; I don't know what he thinks.

By the CHAIRMAN:

Question. Have you, yourself, Mr. Harris, seen any of these men called Ku-Klux parading through the country in their disguises?
Answer. I never have.
Question. You have heard of them frequently?
Answer. I have heard of them.
Question. You have heard a good deal of them in the last two years?
Answer. A good deal, sir.
Question. I believe it was said that the men who committed that riot in Meridian in March last came from Sumter County, was it not?
Answer. I don't know whether it was said that such was the case or not. I think that, probably in the investigation, there might have been two or three parties alluded to from this county; but there were but two or three men from this county. They went on the train there. I think we noticed that in the investigations had at Meridian.
Question. You think the bulk of the party did not go from this county?
Answer. I think not; I don't think there were half a dozen, from the best information we received here, or even more than three or four went from this county.
Question. What, so far as your information extends, is the purpose, or has been the purpose, in times past, of this organization?
Answer. Well, sir, I think it was to shield and protect society generally—all classes. Whatever organization there may be, if there is an organization of that sort, I have seen nothing to indicate a desire to disturb the people of this county. These occurrences, I think, the most of them, have been from personal feeling, not from political feeling
Question. But, in point of fact, has it not transpired that it in every case, or nearly every case, the victims of the visits of these Ku-Klux have been republicans? Is not that your understanding.
Answer. Well, sir, Choutteau was a republican, Richard Burk was a republican, and George Houston was a republican. In the remainder of the outrages that have occurred in this county, I think there was nothing political—nothing connected with politics in them; they had no connection with politics whatever; those others might have been from political motives; but I don't think even that.
Question. Have your courts found themselves unable to grapple with crime in this county? Have not the agencies provided by law proved sufficient to repress crime, without the intervention of these Ku-Klux Klans?
Answer. I think so, sir; and I think if the law was properly executed here, it can be enforced; there are plenty of people who will enforce the law.
Question. Is it enforced?
Answer. I think it is, in a great measure.
Question. You have no fault to find?
Answer. I don't think the law is enforced at all times. As I stated, I have reported the case in regard to the cutting off of this boy's ears. I will state, furthermore, that I have written to the district attorney at Mobile. I have used my every effort to have these outrages suppressed.
Question. How long have they been going on in this county?
Answer. Well, sir, they have been going on to some extent ever since 1867, I reckon. I suppose, about 1867, may be 1868, was the first outrage.
Question. How many whippings, murders, and mutilations do you suppose have been committed in this county during that time under the auspices of this organization, whatever name it is known by?
Answer. By this Klan?
Question. Yes.
Answer. Let me state here that, so far as an organized body of men in this county is concerned, for a specific purpose, I don't believe there is an organization in this county: but I believe there are men who band together occasionally just merely to revenge themselves for some real or supposed outrage.
Question. Whether this be one organization or a dozen different organizations that have sprung up at different times, my interrogatory is, how many outrages do you suppose, from first to last, have been committed by men thus banded together?
Answer. Well, sir, I can only state those that I know or have heard of; and I think

I have stated every one of them. Let me see—Choutteau, and Burk, and Houston, and Brown. Well, sir, I have not heard of more than some eight or ten; there may have been more; I don't know.

Question. There was not, in your estimation, any excuse whatever for these organizations taking these several matters in hand and dealing with them; that is to say, if the victims were guilty of any crime, the courts would have taken cognizance of them and punished them?

Answer. The courts ought to have done so. I think that the grand juries have made every effort here to ascertain who had perpetrated the crimes in the country.

Question. You do not get the point of my question. Where men have been Ku-Kluxed for offenses, or for supposed offenses, was there any difficulty whatever in punishing these offenders, if they were guilty, in the courts, without the Ku-Klux taking the matter in hand?

Answer. The courts would have punished them if they had been brought by the officers of the law before the courts; the people would have punished them; the juries of the country would have punished them.

Question. Do I understand you, then, that, so far, not a single man has been punished for being implicated in any of these outrages committed by men banded together?

Answer. I state that I prosecuted here, and had bound over to the circuit court, to answer at this last grand jury, three boys or young men in this county who had banded together, and who had gone to a negro man's house and whipped him. I prosecuted those voluntarily, without any fee, reward, or pay whatever. They came here, and I took their case and prosecuted them—my partner and myself—and one of them was bound over to answer to any indictment that might be preferred against him.

Question. My question was whether any had been punished.

Answer. That is the only punishment; he was bound over.

Question. That is not a punishment in a legal sense.

Answer. No, sir; he gave bond, and that is as far as I could go.

Question. My question is whether any men have been punished in a legal sense.

Answer. I don't remember that any one has been punished, sir.

By Mr. BLAIR:

Question. A question was asked you in reference to a statement made by Judge Luther R. Smith in regard to this Choutteau business. He says: "At the spring term of the court one or two parties—I do not now recollect which—but one party, I know, was indicted for the crime of arson. I learned from the solicitor, at the next term of the court, that every one of the witnesses except this man Choutteau, who had left the county, had been killed in the county within six months after the indictment was found." Do you recollect any such case as that?

Answer. No, sir; I do not. If any of the witnesses were killed, I am not cognizant of the fact; I know nothing of it.

By the CHAIRMAN:

Question. Do you know who the witnesses were?

Answer. You mean at the killing of Coblentz?

Question. No; at the arson.

Answer. No, sir; I don't remember the names of the witnesses.

By Mr. BLAIR:

Question. Do you recollect any indictment for that crime of arson?

Answer. Yes, sir; there is an indictment now pending for that crime.

Question. Who is the solicitor of whom he speaks here?

Answer. Reuben Chapman, jr. He has been the solicitor ever since 1868.

Question. What is the reason that you have had no court here for a year?

Answer. Well, I don't know of any cause, sir; I know of no cause. Our judges have been treated with courtesy and with respect, save in one instance only, I think.

By Mr. BUCKLEY:

Question. Have you ever failed in one instance to have a term of court when appointed?

Answer. Yes, sir, I have; there have been two failures of holding court. I think Judge Smith has failed twice to hold his court; I don't remember now whether he has failed but once.

Question. The law permits a substitution?

Answer. Yes, sir; but I mean we had no court at all; I think there were two terms here.

By Mr. BLAIR:

Question. Was Judge Smith ever threatened here?

Answer. Never, that I know of.

Question. Ever treated with any discourtesy?

Answer. Never, except in one instance. A young man misconstrued a remark the judge made to him on the bench, and he asked the judge about it here on the public square. He was somewhat excited when he did it, and the judge explained it to him, and he then told him he was perfectly satisfied. He thought he had made some improper remark in regard to him. Outside of that Judge Smith has been treated with a great deal of courtesy. Our people took him to our houses and treated him as we have always treated circuit judges. I know he spent some time with me at my house when he came here.

Question. Is not the fact that you have had two lapses, two failures to hold a court here; and is not that one reason why people take the law into their own hands—that they have no courts?

Answer. Well, we have been without courts here for, I think, one term; it may be two terms.

By Mr. BUCKLEY:

Question. You were without court last spring, were you?

Answer. Last spring we had no court, sir.

Question. In what instance does the law permit the judge not to hold court; under what circumstances?

Answer. I do not recollect what the statute requires.

Question. In case of sickness of himself?

Answer. Yes, sir; that is one case.

Question. Or of his family?

Answer. I think so.

Question. Or in case of the epidemic; and last spring Judge Smith stated, did he not, that he was sick?

Answer. I think he wrote here that he was sick. I am not aware of the fact, but that was the report. There is no disposition on the part of the people to take the law into their own hands by any means. It is just such a class of people as you find anywhere in the United States—transient, worthless characters; just such a class of people as you will find in any section of the United States. The bone and sinew of the country here are in favor of law and order, as much so as they are in any other part of the United States. They are as much opposed to these violations of law and these outrages as any people in the United States. I speak of "the people." When I say "the people," I mean that class of people here who have self-respect.

By Mr. BLAIR:

Question. And who have something at stake?

Answer. Who have something at stake, who have character, who have means, position, socially, morally, and everything of that sort at stake. Now the instance of this man Thomas that I allude to—he was one of those transient fellows—just as soon inflict punishment upon his friends as upon his enemies.

By the CHAIRMAN:

Question. I was about inquiring of you whether you have heard the names of Reynolds and Renfro connected with this riot at Meridian, as being the leaders of the men that went from this county.

Answer. No, sir, I never did.

Question. Have you ever heard of the men themselves?

Answer. Yes, sir; Reynolds I have heard of.

Question. Who else; Renfro?

Answer. Renfro lives in this county; Reynolds did live in Greene County. I understand, however, that there are some indictments pending against him there, and he has left that country.

Question. What has the standing of these two men been in this county?

Answer. Well, sir, that man Reynolds has had no character whatever. The other man is of character, and is a genteel man. The character of Reynolds is very bad.

Question. Bad for what?

Answer. Bad for everything; there is nothing good about him.

Question. Have you ever heard his name mixed up with these Ku-Klux?

Answer. No, sir, I have not. I only know his reputation generally as being a desperado, and a man of no character or principle.

By Mr. BLAIR:

Question. You say Renfro lives in this county?

Answer. Yes, sir; and is regarded as a good citizen, and as a gentleman among the people.

Question. Is that the man that is spoken of as participating in this riot or crime in Meridian?

Answer. I have no idea that he had any connection with that riot at all—none at all.

As to Reynolds, he was not a citizen of this county. I only know his character is bad; very bad.

Question. There have been witnesses before the committee who stated that he was not a citizen of Greene County—that he was a waif there.

Answer. I understand he is there charged with offenses. I wish to make one statement here in regard to the position I took on the stump last fall, that may have some bearing as to the change of votes in this county. So far as I am concerned, I took an open and bold stand against all Ku-Kluxism, and all disguised men, and denounced it, and denounced all secret political organizations, from one end of the district to the other; not only denounced them, but told them I was ready at all times, and under any circumstances, to put down any lawlessness whenever and wherever found.

By the CHAIRMAN:

Question. Did all the other candidates do the same thing?

Answer. I canvassed by myself, Senator; I was alone all the time; I heard but one other speech.

Question. You probably have information whether the other candidates did the same you did?

Answer. I don't know that they did, but that was the position I took.

LIVINGSTON, ALABAMA, *October* 30, 1871.

JOHN C. GILLESPIE sworn and examined.

By the CHAIRMAN:

Question. State your name, residence, and occupation.

Answer. John C. Gillespie; Livingston, Alabama: clerk in the probate court is my employment.

Question. How long have you lived in Livingston?

Answer. Since December, 1834—longer than anybody else.

Question. Are you the oldest inhabitant?

Answer. Yes, sir; I have been the eldest inhabitant since September, 1862. A gentleman died in 1862 who was here when I came here in 1834. The town was very new when I came here, though there were many persons here—perhaps as many as there are now. I helped to grade the court-yard here; to clean it off and make a public square.

Question. Mr. Gillespie, the committee desire to learn from you how the laws are executed in this part of the State of Alabama, and how far the lives and property of citizens of the United States are respected; and you may proceed to give the committee such information as you have upon these subjects.

Answer. Well, sir, I don't know scarcely how to answer the question. I don't see any resistance made to the execution of the laws here; I haven't heard of any nor seen any. The laws of the county have been violated very frequently, and the offenders have gone unpunished. It has not been because there was any indisposition on the part of officers to execute the law, or citizens to assist the officers to execute the law, so far as I know.

Question. If the laws have been violated in a flagrant manner, and the men concerned in their violation have not been punished, you may state to the committee in what class of cases this state of things exists.

Answer. I have not seen any violations of the laws; I have heard of them.

Question. The committee do not restrict you to what falls within the range of your personal observation, but you are at liberty to state any facts which have occurred in the community which you have information of, which you deem reliable.

Answer. There have been several persons killed in this neighborhood, from the information I have from others, which I regard as reliable information. I have seen but one dead man. That occurred in town here, I believe, two years ago. That was a short distance outside of the corporation of the town.

Question. What case do you refer to?

Answer. To the case of Mr. Coblentz, where the attempt was said to have been made to kill Dr. Choutteau, and, I suppose, from all the circumstances, the parties, by mistake, killed the man who was living with him, and who had been guarding him. Choutteau had been expecting an attack before.

Question. The real purpose was not to kill Coblentz, but to kill Dr. Choutteau?

Answer. I think so. That was the general impression.

Question. What was Dr. Choutteau's offense?

Answer. He was charged with having undue influence over the negro population here, and exerting that influence for evil, as was supposed by the citizens of the country

generally. I don't know anything about it, personally. I knew the man very well, but know nothing about the influence he was exerting over the minds of the negroes. It was believed that he was exerting an influence which was prejudicial to the general welfare of the country.

Question. That, as you understand it, was the principal cause why this feeling existed against him?

Answer. Yes, sir; as the common remark was, he was tampering with the negroes in such a way as to probably produce a very bad state of feeling between the whites and blacks.

Question. How was it said he was tampering with them?

Answer. He was encouraging them in acts of violence, it was said.

Question. To protect themselves?

Answer. I don't know whether it was altogether that; I suppose as much that as anything else. It was said that he was teaching the negroes that it was their duty to offer resistance wherever they were assailed; to offer violence to white persons wherever any white man infringed upon any of their rights or privileges; and, in that way, caused a good deal of unkind feeling in the section where he resided. He lived at that time, or shortly before that time, some twelve or fifteen miles from here.

Question. Was it thought, by the good people of this community, a heresy to teach the negro people that they had the right to defend their homes and persons and liberty, if assailed?

Answer. No, I think not; I don't think that feeling existed among the people here.

Question. Was it regarded, by any portion of your community, as a wrongful teaching to instruct the negro in his right to defend his property and person?

Answer. Well, I don't know that that is the state of feeling that existed to any great extent, if at all. There is a disposition on the part of southern people here not to allow negroes to be impudent to them. They don't like that. They don't like for the negroes they have formerly owned to be impudent or saucy to them. No man likes to take that in this country; and if one of them should speak sharply to a negro, and the negro should speak sharply back to him again, very likely the white man would not be pleased at it. I don't know how it is generally, but I know I wouldn't like for a negro to be impudent. I cannot help it. It is part of my nature. I have been raised up with them here, and I have been in the habit of controlling what few I have about me; and they have universally been quite obedient to me; and I have had no difficulty with them at all. But if a negro was to dispute my word I wouldn't like to take it. I would not like to take it from a white man; but I would not be at all inclined to take it from a negro. That is the feeling prevalent here in this country.

Question. Did you understand that Dr. Choutteau's teachings had gone any further than that they had the right to defend their persons and houses, if attacked?

Answer. Well, sir, I don't know that they did; I don't know to what extent; the general impression was that Choutteau was exerting an influence over the negroes here that was calculated to result in a great deal of injury to the community generally.

Question. Would not any person be regarded with odium, in this community, who should publicly proclaim to the negroes, "If you are attacked in your homes and persons, defend yourselves with such means as God and nature have furnished you?"

Answer. I don't know what sort of feeling the people would generally have toward such a man. I should think it would be right, and probably as much so for a negro to defend himself when attacked as anybody else; but I am not certain that it would not be very injurious—result in injury, the negroes being a very ignorant class of people—whether or not such lecturing to negroes would not be detrimental to the country. They are very ignorant, and when excited are very violent creatures, very violent; they have no reason with them scarcely. As to those that have, there would not be any danger in them whatever; but to the greater mass of them it would be very dangerous to do so.

Question. You say they are not sufficiently advanced yet to receive these teachings?

Answer. I think they are too ignorant. You see, they don't know. They can't tell, like an intelligent white man, when it is their privilege to defend themselves. They don't know how to move, and become excited, and rush right along, hurriedly, without thinking. I think such teaching would not improve them. Yet I hold that it is the duty of every citizen to protect them in all their rights. They are entitled to that under the law; and I think it is the duty of every good citizen to do it. I think the man who does not do it fails to discharge the duty he owes to himself.

Question. Did you understand that at the time Coblentz was killed a considerable number of men had assembled at the house of Dr. Choutteau, in the night-time, armed and disguised?

Answer. The impression was that there was probably not exceeding half a dozen men, from the best information I could get. I walked down there the next morning from the office, and saw my old friend Coblentz—a very pleasant old creature. I heard he was dead, and I walked down. I saw one or two negroes there, who told me they saw the crowd. There was another gentleman in town who lives immediately at the place.

He could not discern the number, but didn't think there was more than half a dozen, I think he told me.

Question. Was it their purpose to kill Dr. Choutteau, from your information?

Answer. Yes, from the best information I had, it was their purpose to kill him. I was under the impression that they went away with the impression that they had killed him. It was at night, and dark.

Question. Had they shot into the house and killed Coblentz?

Answer. Yes, sir; into the house where Choutteau resided.

Question. Is that in this town?

Answer. It is in or near the corporate limits of the town. It was at one time in the corporate limits of the town, but they have reduced the limits.

Question. Was there any effort made to discover the murderers?

Answer. Yes, sir; the sheriff informed me that he followed them a considerable distance toward Demopolis or Moscow, or rather the landing on the river below. I learned when I got down there that morning that the sheriff had gone there that morning. You could tell by the dripping of the blood, as they carried him off, that one of them was killed; and you could see the dripping of the blood along the road; it could be followed for some time; I didn't follow it long; I understood they followed it some distance.

Question. Did the man recover?

Answer. The man never recovered, I am confident, because I never saw so much brain as was lying on the floor. I had no idea any human had so much brain.

Question. I am not speaking of Coblentz.

Answer. No; I am speaking of the man that Coblentz killed.

Question. Were the community, afterward, informed of this man's death?

Answer. The rumor was that he was carried to his parents.

Question. Where is it said that they lived?

Answer. That they lived in this county. The rumor was that he was carried to his parents.

Question. He was a young man?

Answer. Yes, sir. I did not know him personally. I knew his father very well.

By Mr. BUCKLEY:

Question. Did you understand that this attacking party was disguised?

Answer. Well, sir, I don't think any one could tell. I did hear that this Dutchman, Coblentz, shot the man's head off of his shoulders, and I did understand that a disguise fell off with his head, or with his brains; but I can't give you any information. There was a jury of inquest; and I suppose they investigated that matter; I heard so. I never saw the disguise. It was said he had a disguise on of some kind.

By the CHAIRMAN:

Question. You may go on with your enumeration. You have said that several persons have been killed in the last few years.

Answer. A negro man was taken out of jail, I am informed. All that I say is from information from others. This man Coblentz was the only instance where I saw the man dead. A negro man was taken out of jail and hung, and shot too.

Question. What case do you refer to?

Answer. His name was Jasper; I don't remember his given name. It was probably two years ago. It was alleged that he shot a young man in his store between this and Gainesville, and robbed the house.

Question. The committee have heard of his case. Jasper was taken out at night by a band of men?

Answer. Yes, sir. That was my information.

Question. Were they said to be disguised?

Answer. I never heard.

Question. Did you understand how numerous they were?

Answer. I don't remember. There was a considerable crowd, I understood.

Question. From the jail in this town?

Answer. Yes, sir. There was another taken out of jail before the last term of court.

Question. You refer to the Zeke High case?

Answer. Yes, sir. A very few days before the last term of court. It was alleged that he confessed that he had killed a young man in this county, who went from this town with the sheriff to assist in suppressing a riot at Belmont, which the sheriff can tell you about better than I can. There was a good deal of excitement here at the time. There was a young man named Collins, from this neighborhood, killed, and he confessed he killed him.

Question. How many shots did you understand were fired into Zeke High's body?

Answer. I don't remember. I heard it was a great number. I heard he was very badly shot.

Question. In Jasper's case, was he not taken out and first hung and then shot afterward?

Answer. I understood that he was both hung and shot. I suppose they hung him

and then shot him. I didn't see him except as they carried him to the grave-yard. I saw him as they carried him along the street in his coffin.

Question. No arrests have been made in either of these cases?

Answer. No, sir; I never heard the slightest intimation of who any of the parties were.

Question. I will take the most recent case—that of High, who was taken out of jail, I understand, and shot, in the latter part of September last. State whether, in your opinion, the men, or some of them, concerned in that outrage could not have been discovered and brought to punishment if an earnest and determined effort had been made?

Answer. Well, sir, I cannot tell. I lived or boarded within forty steps of the jail. They jail is on the corner and I am on the adjoining lot. They are in sight. I am very easily waked, as much as anybody else, I reckon, or as most men. I generally sit up till about 11 o'clock every night; and another thing, neither I, nor my wife, nor my daughter, who are all there, boarding in the house together, heard any noise, and we didn't hear the least disturbance. I was perfectly astonished, on going up town the next morning, when I was informed by the sheriff that a very large body of men had gone through. There was a good deal of talking. He said they talked to him, I don't know how long. I was astonished that it didn't wake me, but it didn't. Whether the sheriff could have got a posse of men in time to have arrested any of these parties I can't tell; or whether he could have succeeded in getting a posse of men to have gone after them at all, I can't say. For my part I should not have liked to have gone.

Question. Why not?

Answer. I regard men who are doing such things as very desperate men, and an attempt to arrest them or rescue the negro would have endangered my own life.

By Mr. BUCKLEY:

Question. Do not a great many of your citizens feel so when an occurrence of the kind takes place?

Answer. Yes, sir; I should not have attempted it. I know if I was wrought up to the point that I would go with a crowd to take a man out of jail to hang or kill him, and the citizens had come upon us to capture us, under these circumstances I would not have been captured, I am satisfied of that. I would not have allowed myself to by captured; and I don't think these men would.

By the CHAIRMAN:

Question. You think the community is unable to grapple with these lawless men, who are banded together?

Answer. I don't see how it is possible for any community situated as we are here in the country; they might in some of the larger cities, where they have better police regulations. But where thirty or forty men band themselves together to go to any particular point, how is it possible for the citizens to prevent them from doing anything they choose to commit, or arrest them before they disperse?

Question. If they are the members of a larger organization, if they are mere branches of an organized body, would there not be an impossibility of convicting them in a court of justice, even if arrested; would there not be much danger of perjury?

Answer. I don't know about that. I believe that, in this community, if one of these men was proven to be guilty, I am satisfied he would be convicted. I think so. That is my impression. I may be under a misapprehension as to their number.

Question. But if the number was extensive, is it not probable that that organization would have some of these men on the jury?

Answer. It might be so; I can't say.

Question. Is it not possible that they would have their men ready to prove an *alibi*?

Answer. It would be impossible for me to determine that, unless I saw a case tried, and I have never seen a case of the kind. I think, as far as the feelings of the community are concerned, (and I think I know this community very well,) my impression is that the sentiments of the masses of our people, the great body of the land-holders and house-holders, (and I have heard no others express themselves about it,) is decidedly against that sort of thing, and would put it down if they could. I do not believe any of them engage in it; that is my impression. It may be some of them do; I can't tell.

Question. Where would such a large body of men come from if it didn't embrace these men or their sons?

Answer. Their sons may be involved; I can't say about them, for I don't know. Now, the young man who was in jail at the time Jasper was taken out told me he didn't know a solitary man. I think he said there were no disguises on them, and if they had been citizens of the county he would have known them. He informed me, and I think he was speaking truthfully, assuring me that he did not know a single man among them.

Question. How large a body did they seem to be?

Answer. Thirty or forty.

By Mr. BUCKLEY:

Question. They seem to have known him very well?

Answer. Yes, sir; but he said he didn't know them.

By the CHAIRMAN:

Question. Is it the impression that they came from a distance—from another county?

Answer. Everybody has their own private opinion about such things. I have studied a good deal over this thing. How it could be that things of this kind were done occasionally in our midst and nobody seemed to know any of the parties, and my impression is that these things have been done by men from a distance.

Question. Must they not have confederates here to carry out their schemes?

Answer. I can't say. When our men have anything to do here they may come here, and our men go over to do their work; I don't know how that was. The question has been discussed here a great many times, whether there be a perfect organization of Ku-Klux; that is what you want to know?

Question. Yes; we want to find out if there be such a thing?

Answer. My impression has been that there is no Ku-Klux organization, such as "Masons" and "Odd Fellows" and "Sons of Temperance," as we understand that thing. If it was anything, it was a mere combination; and I make the distinction, whether there is any difference or not, that there was a combination, probably in the country, among men combined together for the purpose of putting out of the way such characters as were obnoxious to them, whoever they might be; but whether or not they had signs and pass-words, and things of that sort, by which they could know each other, I was rather inclined to doubt. I have never seen anything of the kind.

Question. You never have seen any of these men parading the country yourself?

Answer. No, sir.

Question. Have you ever seen anybody that has, except the officers you speak of?

Answer. Yes, sir; but I can't tell you who. I heard some gentlemen here say they saw a considerable body of men pass through Gainesville.

Question. That is in this county?

Answer. Yes sir; they went across the river, I think, over into Greene County. That has been a year ago or more.

Question. Did you hear of any mischief soon afterwards?

Answer. No, sir; I don't remember now anything of the kind.

Question. Was this in the night-time that he saw them?

Answer. I think it was.

Question. Did he say they were disguised?

Answer. I don't remember. I did hear some person say there was a considerable number of men—strangers—came here to town one night. I forget who he was. I inquired next day, but I could not learn anything about it.

Question. Was any mischief done that night or attempted that night that they came to town?

Answer. No, sir.

Question. You heard that in this riot at Meridian that a large body of men were supposed to have come from Sumter County, did you not?

Answer. I heard it said so.

Question. Was it believed to be so?

Answer. Well, sir, I don't know; I don't think I have heard enough on the subject to know what the general opinion of the people were here. My impression is that there were some men from this county down there, but who, I don't know; I was not at the train, and didn't see them.

Question. Are they said to have gone to Meridian, on the railroad?

Answer. I believe so. It is said that some went down on the train from this county, but that I don't know. There were two difficulties at Meridian. There was a negro man from this county and the deputy sheriff (Adam Kennard) went down on some business, and he alleges that he was whipped very badly. He had some parties arrested, and went down there to attend their trial; and I understood he was accompanied by a considerable number of young men from this county, who volunteered to go. I don't know whether that occurred at the time of the riot at Meridian or not.

Question. That negro was the deputy of the sheriff?

Answer. Yes, sir.

Question. The sheriff took a special interest in him?

Answer. I don't know.

Question. Is he the present deputy?

Answer. Yes; the boy here.

Question. Does he vote the democratic ticket?

Answer. I believe he did. I don't know whether he did or not.

Question. Is he supposed to exercise a considerable influence over the colored people?

Answer. I don't think he does a great deal. I think there is some little prejudice against him on account of his being deputy sheriff. It is impossible for any white

man to know negroes scattered about the country. It is impossible for me to do it; and there is no way to arrest them unless you have a negro to do it; and this boy has been used by the sheriff for that altogether for negroes. He does not pretend to use him for white men. It is for darkies who commit felonies and misdemeanors, and it has rendered the boy rather unpopular. He did vote the democratic ticket, I believe. He says some of his friends complained of him for supporting some of the democratic candidates on the county ticket—all our democrats that were out; but some of them were complaining of him for supporting the present sheriff, and telling him that he had gone back on the republican party.

By Mr. BUCKLEY:

Question. Is your present sheriff a democrat?

Answer. Yes; he is an "old line whig," but votes with the democratic party. He is like a great many of us; we have got no party; we are lost, absorbed.

By the CHAIRMAN:

Question. You started out with the proposition that the laws are violated frequently, and persons killed and not punished; and you have mentioned two notable cases. You may proceed now with the catalogue.

Answer. I understood that a colored man was killed in Gainesville. I think his name was Burk. He was a member of the legislature from this county, if I remember correctly. There was a considerable number of men, I don't remember how many. I was informed, made an assault upon his house and killed him. Whether they were disguised or not I didn't learn.

Question. What did you understand was his offense; or for what was he killed?

Answer. I never knew, sir. He was said to be a very clever, harmless, honest old negro man, who stood very well. He was a member of the legislature. I don't know whether he was killed for that or not; or whether it was in consequence of that or not. He had no other character but that. I never heard of him till I heard him mentioned in connection with that office.

Question. Is that the general supposition that he was killed because of his prominence among the people, and because of his radicalism?

Answer. I can't say; I don't know. My own private opinion about it is that he was killed——

Question. We want your opinion?

Answer. My private opinion is that he was killed because he was a negro member of the legislature. That is my opinion. After that another negro member of the legislature was shot at, I was informed, the same night Dr. Choutteau was shot at and Coblentz killed.

Question. Who was he?

Answer. George Houston.

By Mr. BUCKLEY:

Question. It has been stated by Judge Reavis, of this county, that this negro man Burk was a man of very good character; that the judge formerly owned him.

Answer. That is my impression from the citizens of Gainesville. I have heard him spoken of there. Some of the better citizens there thought it was very unfortunate that he was killed; thought he was a very harmless and well-disposed negro.

By Mr. BLAIR:

Question. He was not a member of the legislature when killed?

Answer. No, sir. He had been. I don't know whether his time had expired or not.

Question. If that formed a reason for his being killed, don't you think they would have killed him while he was a member of the legislature, and not after his term expired?

Answer. I don't know whether they would or not. I don't know whether his term had expired. I never could learn any reason; I suppose it was his prominence in politics. I never could hear of any other reason for it. This man Houston was a very foolishly noisy politician. Any man is foolish that makes a great fuss in these little county elections. He wanted to be very prominent. He wasn't very smart, but thought he was, and pushed himself forward a great deal, and was quite objectionable.

By Mr. BUCKLEY:

Question. Still he was a negro who had sustained a good character?

Answer. Yes, sir; he was a tailor here, and I always thought a great deal of him myself. When he was appointed register for this county I was very much pleased. I thought if it was the purpose of the authorities at Montgomery to appoint a negro, he was the best they could appoint—the least objectionable.

By the CHAIRMAN:

Question. Was he wounded?

Answer. I understood he was.

Question. Is he still living in this county?

Answer. No, sir; I understand he is living in Montgomery.

Question. Did he leave because of apprehensions of bodily harm?

Answer. That is what I understood.

Question. Dr. Choutteau has left also?

Answer. Yes, sir.

Question. Did he leave for the same reason—apprehension for his life?

Answer. Yes, sir; I suppose he did. I didn't think it would be safe for him to remain here myself.

Question. What is Dr. Choutteau's character here?

Answer. He wasn't a man that had much reputation, I think, sir, in this community. I heard a good many ugly things said about him—whether true or not I don't know. He was not a man I fancied, or, I think, anybody else would fancy much. I think, perhaps, he claimed to be a native American. He is of French descent, and you would suppose him a native Frenchman. He speaks very bad English. I think he was born about either New Orleans or Saint Louis. He has lived at both places, he told me. He was a terribly noisy, blustering, swearing, swaggering sort of a man, and did not please anybody much.

Question. Was he accused at one time of suggesting a plan for poisoning the negroes here?

Answer. Yes, sir; I think, if I mistake not, he was in partnership with——

Question. Dr. Sledge?

Answer. Yes, sir; and proposed to Dr. Sledge, about the time the negroes were emancipated, that they should kill all that they were called upon to practice upon, by poisoning them. I heard that said as a fact.

Question. What was the effect of that report upon the white people? How did it affect them toward him?

Answer. They could not have any respect for him, of course. There is no man in this country, that I know of, or in the whole land, that would have tolerated any such thing. If he had commenced a thing of that sort, and it had been shown on him, I expect they would have burned him up. I would be very much opposed to acting with violence, but if I should catch a man going through the country saying, poison all of them, sir, I should think it my duty to stop him.

Question. Was it soon after that he became a blatant, blustering, loud-talking radical, as you say?

Answer. Not long afterward; I think it was pretty soon; at least the first I knew of him; I knew him up above here practicing medicine a good while.

By Mr. BUCKLEY:

Question. How was he regarded as a physician?

Answer. I think he had some reputation as a physician up there.

By Mr. BLAIR:

Question. Were such reports as that, and his subsequent association with negroes, calculated to disgust the people, and incite them to the act of driving him off?

Answer. Yes, sir; everybody disliked him. I don't think he had a friend left in the country. He had a great many friends at one time. He lived about fifteen miles away, and I understood he had many friends, but everybody seemed to lose confidence in him. This thing was said about him about the time he first became active in politics.

By the CHAIRMAN:

Question. I was going to inquire of that. Did you ever hear of this charge against him of proposing to poison the negroes until after he became a radical?

Answer. I don't know that I did.

Question. He was held in pretty good esteem until he became a radical, was he not?

Answer. Well, he stood very fair, I understood; I knew very little about him; I knew him merely; I heard him very well spoken of as a physician; I don't know anything of him outside of that. I heard nothing against his character at all until about the time this report got out on him that he had made that proposition to Dr. Sledge.

By Mr. BLAIR:

Question. Would it, or not, add to the disgust of any community for any man to make such a proposition to poison the negroes, and subsequently join and unite with them, and become, as you have described, a blatant, blustering friend of theirs?

Answer. Yes, sir; I think so. I think the two together would.

Question. These two facts together were calculated to uproot all confidence in him?

Answer. Yes, sir; I think that that thing was told on him; I suppose it may be true; I don't know; it was alleged as a fact; and if it was a fact, it ought to have damned him with everybody.

By the CHAIRMAN:

Question. In the first place, you do not know that such a thing was ever said by him?

Answer. No, sir.

Question. And you never heard of it until after he joined the republican party?

Answer. I don't think I did.

Question. That leads me to inquire whether it has not happened that whenever a man in this community has joined the radical party—left the democratic party—that his antecedents have been very closely looked into, and flaws for the first time picked in his character?

Answer. Well, we have had so few white men connected with the republican party, or radical party, in this county, that I don't know of any case where anything has been said derogatory to the private character of any man who gave his entire support to the republican party. There are but very few in the county, and never have been but few.

Question. How many?

Answer. I don't know but four white men in this county who voted for General Grant.

Question. Were they northern men or southern men?

Answer. All southern men.

Question. Were they denounced?

Answer. They were not held in as high estimation by the community generally, I think, as the men who voted the democratic ticket. They were what was called in this county scalawags. There is a distinction between carpet-baggers and scalawags.

Question. I understand that distinction very well. Was it discovered after that circumstance—I mean after they had voted for Grant and Colfax—that they had been very indifferent sort of men before that?

Answer. No, sir; they stand as they always have. There is Mr. Reuben M. Meredith, of Gainesville, stands as he has always done. I never have heard anything against him; and Judge James A. Abrahams, a very estimable man, judge of the probate court. Old Major Edward Herndon is now in Virginia. He has been grand high priest and grand master of the State of Alabama for many years. He stands high, and stood high formerly. He has lost caste, politically, because he went over to the republican party. Many people thought hard of the old man.

By Mr. BUCKLEY:

Question. He has been accused of holding many offices?

Answer. Yes, sir; his son-in-law appointed him register in chancery. He was very poor, it was represented. Governor Smith appointed him clerk of the circuit court, but the whole of it wouldn't support him. In fact, I would not have all the offices together. I wouldn't give the bonds and do the work for the pay of all those offices.

By the CHAIRMAN:

Question. Yet have you not heard it said disparagingly of him that he held so many offices?

Answer. Yes, sir; I have heard allusions made to it, and I think it was unfortunate that they did it, or took that exception, because no one of the offices would support anybody. None of them are worth having. There is no use making a fuss about any office not worth anything.

By Mr. BLAIR:

Question. Isn't the circuit clerkship valuable?

Answer. O, no, sir; it isn't worth anything. I don't suppose it would pay a young man's board. It may be good at this one term of court. I wouldn't have it.

By Mr. BUCKLEY:

Question. Have you heard of the outrage upon a colored man by the name of Hayne Richardson, at Gainesville?

Answer. I don't remember the name.

Question. At the same time that Burk was murdered?

Answer. I don't remember of hearing his name mentioned in connection with it.

By the CHAIRMAN:

Question. Go on with the cases you were telling.

Answer. I have heard of another killing that has been, I suppose, rehearsed before you. A negro man, out a few miles from town, was said to have been shot and burned in his house, named Isaiah Hunter. I never learned much of the circumstances.

By Mr. BUCKLEY:

Question. Was he shot by disguised men?

Answer. I don't know; I don't think his family stopped to see. They didn't know. I understood they were in his house. He was shot, and they all broke and ran off. I saw some of his family here.

By the CHAIRMAN:

Question. When did this occur?

Answer. I don't remember; some time last year, though; last winter, perhaps; I am not posted as to the time.

Question. Was any notice taken by the authorities of it?

Answer. Yes, sir; Major Herndon went out and had an inquest. He had a number of negroes arrested, and several of them put in jail and kept here for some time. There was a very thorough investigation, as far as could be. I suppose there was a considerable effort made to try to find out who he was. I don't know what action the grand jury has taken. The last grand jury was the first one we have had since, I believe. As I remarked, it is exceedingly difficult, when a parcel of men want to commit such depredations, to find out anything about them; you can't do it.

By Mr. BUCKLEY:

Question. How is it going to be remedied?

Answer. That is the question. I wish I knew how to remedy it. I would like to see it stopped. I think this county would like to see it stopped. We don't want that sort of thing. I don't think any good citizen does. I don't hear anybody say they want it to continue. Everybody says they want it stopped.

By Mr. BLAIR:

Question. Don't you think it could be stopped by a good government—a government that was approved by the people of the State, and had the confidence of the people?

Answer. I have thought that, probably, might effect a change; and that, probably, if we had courts—if the officers of the law were all of them in unison with the people, probably we would have less difficulty, but I don't know.

By the CHAIRMAN:

Question. What officers of the law have not been in unison with the people?

Answer. The judges of our courts seem to be the most objectionable characters.

Question. Do you refer to your probate judge?

Answer. No, sir; our probate judge is getting along pretty well with the people, I believe. I don't think there is so much objection to him as there has been.

Question. What judges do you refer to?

Answer. The judges of the circuit courts, more particularly; but I think there would be a better feeling, and they could exert a better influence, if we had a different class of judges; I am inclined to that opinion; not but what we have a good judge. Judge Smith, the lawyers say, is a good judge, impartial, and discharges his duty well; but he was elected to the office of circuit judge almost immediately on his arrival in the South, or very soon after. The people of this country were sore; we were not in a state of feeling for that thing. The people were unwilling to bear it.

Question. Is Judge Smith a northern man?

Answer. Yes, sir.

Question. Is there any objection to him because of the mere fact that he is a northern man?

Answer. I don't think there is. I don't think I have heard any objection. There is a prejudice against him. Nobody can find any fault with his administration of the law. Lawyers and all parties speak well of him. They speak very well of Judge Smith—J. Q. Smith, who was here, who is a member of the republican party. They all spoke very highly of him, when he held court here a few weeks ago, as a good prompt judge.

Question. What more could any judge do in the administration of law than those gentlemen?

Answer. Nothing more that I can say.

Question. Then the fault must lie deeper than in the character of the judges?

Answer. It may be in the prejudice of the people.

By Mr. BLAIR:

Question. Is is not a reasonable prejudice against a man who, as soon as he touched his foot here, was declared judge by an act of Congress, without the act of the people?

Answer. He was elected—you know the circumstances—in 1868.

Question. The circumstances were, that they held an election from which one party abstained because Congress promised that the constitution should not be adopted unless a majority of qualified voters went for it; and it failed to receive a majority of qualified voters; and Judge Smith, who was elected at that election, was declared a judge after the adoption of the constitution by Congress?

Answer. Yes, sir.

Question. Is not that sort of an election a just ground of prejudice against him, or anybody else that takes office under similar circumstances?

Answer. Well, yes, sir.

By the CHAIRMAN:

Question. Then why should not the prejudice of the Ku-Klux be exerted toward the judge; and why should it be exerted toward the unoffending negroes? What logic is there in the prejudice against a northern judge?

Answer. There is no logic in it, but the impression has been here that there was a Ku-Klux influence against the judge too. I don't know that that is so.

Question. If that is so, we should be glad to have any information you have on that subject.

Answer. I can't tell; it is reported that there is a very strong prejudice against the judge, and it was in consequence of that, perhaps, that he did not hold our courts in this district; I don't know whether there is any foundation for it; my impression is that there is not; that he could have held the court as well as Judge J. Q. Smith did.

Question. Did you understand he received any Ku-Klux notice?

Answer. No, sir; I don't think he ever did—any from this county.

Question. What is the character of the demonstration that deterred him from coming?

Answer. It is reported here that some of his property had been destroyed.

Question. His gin-house burned?

Answer. Yes, sir; his mill burned, and fences and bridges—I don't know by whom, whether by Ku-Klux or by private enemy.

By Mr. BUCKLEY:

Question. Was there a meeting called in this place or county, requesting him to resign?

Answer. There was a meeting in this county, and resolutions passed, which had escaped me—that is my recollection—requesting him to resign, I think.

Question. Yet you say he is a good judge?

Answer. I think so, and the lawyers say he is a good judge.

Question. Do you concur in this opinion of Judge Reavis?

Answer. I do; I think he is a good judge; he is a very nice gentleman, and behaves himself very finely; no man could behave better, both on and off the bench.

Question. I invite your attention to page 332 of Judge Reavis's testimony: "I think that Judge Smith is as impartial and judicious in the administration of his duty as judge as any man I ever knew."

Answer. I think he is. I think he is very careful, exceedingly careful.

Question. You are well acquainted with Judge Reavis?

Answer. Very well; as well as any man in the State.

Question. His opinion is the same as your own?

Answer. Yes, sir; that is the opinion of the bar generally. I heard Mr. Bliss, an old lawyer, express his regret very much at the adoption of these resolutions with regard to Judge Smith. I don't think it met the approbation of the bar generally, as far as my observation went, or I could learn. I am satisfied it didn't with the bar at Gainesville.

By the CHAIRMAN:

Question. How could this prejudice against Judge Smith, if it existed, have any influence in causing the whipping and killing of negroes?

Answer. I don't know that that has. There are some things we can't well account for. They grow out of things in such a way that we can't tell exactly how or why it is. Men have not that regard for law and order that they ought to have, when attempted to be administered by men they have no confidence in, or that they don't like.

By Mr. BUCKLEY:

Question. When you speak of the prejudice against Judge Smith, you mean the prejudice cherished by the white people?

Answer. Yes, sir.

Question. Is it not a fact that a large majority of the people of this circuit are very much in favor of Judge Smith?

Answer. I have not heard any attorneys except the attorneys in this county.

Question. I am speaking of the people.

Answer. I don't know anything about the district; I haven't been outside of this county for four years, except to go to Mobile by Meridian. I don't know outside of the county. I think so far as his capacity—that is, so far as his administration of law, his impartiality, and everything connected with his conduct on the bench are concerned, that it is approved generally. I don't think there is anything against him.

By Mr. BLAIR:

Question. And, notwithstanding that, obtaining office under the circumstances that he did obtain it among those people, is a fact which prevents him from having the confidence of the people generally?

Answer. He could not enforce the law, in my opinion, as one of our own citizens

could do if judge. Judge Smith could not send an offender to jail here with the same ease I could if I was judge.

By the CHAIRMAN:

Question. You do not understand it to be the business of a judge to execute his decisions?

Answer. No, sir; I doubt very much whether Judge Smith could enforce the law as well as a southern judge.

Question. What has Judge Smith, or any other judge, to do with carrying out the decree of the court?

Answer. True, sir; it is the duty of the sheriff. He must have an executive officer to enforce his orders if he hasn't got a moral influence; that is what I am trying to get at. He must exert an influence over the minds of the people if he wants to carry out the law.

By Mr. BLAIR:

Question. And he fails to do that, notwithstanding he is a man of general good character and fairness, by reason of the circumstances under which he obtained office?

Answer. Yes, sir; that is my opinion.

By Mr. RICE:

Question. Is it the circumstances under which he obtained office, or the fact that he is not one of your people?

Answer. The two together, though there are some northern men here, I believe. Mr. Bliss is a Massachusetts man and visits Massachusetts every year—Mr. Bliss, of Gainesville, an excellent lawyer and an excellent gentleman. I believe if he was on the bench, an order from him would be executed by the people with as much promptness as any man in the county.

Question. Your sheriff got his appointment from Governor Smith?

Answer. Yes, sir; all the officers in the county.

Question. He got his office in substantially the same manner that Judge Smith did?

Answer. Yes, sir.

Question. The sheriff here is respected and obeyed, willingly and well, is he not?

Answer. Yes, sir. It isn't the manner of getting the office, but it is the manner and the man both.

Question. The manner and the fact?

Answer. A "carpet-bagger," elected under the peculiar circumstances under which Judge Smith was elected—the two combined, cause a prejudice against him in the minds of the people generally.

By Mr. BLAIR:

Question. And is it not your opinion, that if a similar state of affairs should occur in Massachusetts, and men from the South, after having overrun the State, and disfranchised the people, should force themselves upon the judiciary, that their influence would be impaired in the same way?

Answer. I think so. I think the same prejudice would exist anywhere. I think the masses of the people here are about like the people are everywhere else; and I think we are about as good as people generally are.

By the CHAIRMAN:

Question. When Judge Smith renders a judgment in favor of the plaintiff, for a certain sum of money found to be due, is there any difficulty in collecting that judgment?

Answer. None in the world, if he has the property to make it out of.

Question. When a man, guilty of a crime, is found guilty by a traverse jury, and is sentenced by the judge to the penitentiary, is there any difficulty in enforcing the sentence?

Answer. I have not known of any. The sheriff has carried out every one of the sentences of Judge Smith.

Question. What order or decision of the judge, then, has not commanded the respect of the community?

Answer. None that I am aware of. I am only saying what might possibly be the case if Judge Smith might attempt, or any attempt was made here, to break up any lawlessness by the courts.

Question. What could Judge Smith, or any other judge, do in the way of breaking up such an organization; is it not the function of the grand jury to bring these cases to the notice of the court?

Answer. That is all true.

Question. Is it not the duty of the court then to issue a warrant for their arrest?

Answer. Yes, sir.

Question. Now, do I understand you to say that if the grand jury should present this man, or that man, as guilty of murder, and a warrant should be issued, that the com-

munity would not sustain that warrant, and sustain the sheriff, and cause this man to be arrested and put upon his trial?

Answer. I guess that perhaps there might be no difficulty in most cases.

Question. I am supposing the case now of a member of this Ku-Klux organization; if he could not be arrested, tried, and punished, what is the reason of it; is it because there is a sentiment in the community here that would protect him and this gang from punishment?

Answer. No; I can't say. There might be more difficulty in getting a verdict, or a true bill; there might be.

Question. There would be a difficulty in the grand jury or the petit jury?

Answer. Yes, sir.

Question. Why? because the men charged had friends on the jury; or because of the ramifications of this order invading even the sanctity of the jury-box?

Answer. If there is a large class of these men in the community, and they are arrayed against the laws, it would be hard to arrest or punish them.

Question. Is not that the difficulty, that this order so ramifies and permeates the whole community that it infects the jury-box?

Answer. I don't think we have had any trials; the difficulty has not been in punishing the parties brought into court. The difficulty has been in ascertaining who any of them are. Witnesses are called up before grand juries, I suppose. I don't know.

By Mr. BUCKLEY:

Question. That is not the judge's duty?

Answer. No, sir; it is the duty of the grand jury to investigate and "to make diligent inquiry;" that is their oath. I suppose they have made all inquiry; whether they have failed or not, I can't say. If any such thing occurs in the country, I can't see why they have not found it out.

Question. Do you not think any man would feel himself in danger who would go before the grand jury and inform against a man he suspected of being a member of this Ku-Klux Klan; wouldn't he be spotted and marked, and be a doomed man?

Answer. Well, sir, I don't know; it is possible that he might be in danger, but I can't say, because I don't know. I am only giving you rumors, so far as anything I have said in relation to this thing, not knowing anything myself personally, for I could not and would not see them. I don't go where such things are done. It has been rumored that parties, negroes, have been killed who were witnesses in some cases in this county. I don't know that it is so. Some negroes that probably had said (whether as witnesses or not, I do not know) that they knew the facts. There was another thing I did not state in relation to Dr. Choutteau, in relation to the burning of his house and some cotton. It was reported that some negro, one or more negroes, had said that they knew who it was that did it, and that those negroes had been killed; but I don't know it.

Question. That fact has been sworn to before this committee, I believe.

Answer. That may be so; I don't know. I can't say what danger a man would be in. I know he would not be in danger from the community, nor would he fail of getting the support of what we call the community generally—the masses of our people.

Question. Wouldn't he be in danger of this order, be it great or small, or whatever its purposes; wouldn't he be in danger of a visitation from this order?

Answer. He might; I think he might.

By Mr. BLAIR:

Question. Are not witnesses sometimes in danger from the relatives and friends of those guilty?

Answer. Yes, sir; I think so. If there be an organization, and it looks like an order or combination, there are men certainly doing these things, and if a man would go and report on that class of men, it is possible he might be in danger, if there should be any danger of their being brought to punishment. I would not like to risk it if I knew anything about it.

Question. Is not the reason why, when one of these great outrages, like the taking of this man Zeke High out of jail and shooting him within sound of this town—is not the reason why these outrages are not promptly followed up by the community a secret fear that the active agents in bringing these men to justice will be singled out and punished?

Answer. I can't say what other men's feelings are on the subject; I am not going to follow any of them up or hunt them up.

Question. Why?

Answer. Because I should expect, if I did go prying and hunting after them, I might possibly be killed. I am judging them by myself. If I were to do that deed—take men out and kill them—and I found a man lurking around, and there was a probability that I should be brought here into court, I should not let him come around. If I was killing men about, as men are being killed, a man should not fool around me and get information to bring me to punishment. I wouldn't let him do it. I don't know how other men would act.

Question. Don't you think it probable that Zeke High, as he is called, was taken out of prison and killed because some persons in the community had no confidence that Judge Luther Smith would hold him to a fair trial?

Answer. I don't remember hearing any such expression of opinion. I can't tell what motive they had.

Question. If any portion of the community lacked confidence in him, for his manner of obtaining the office and his character of affiliating with negroes, might there not have been an apprehension that he would not do exact justice in this case?

Answer. I think it is likely that something of the sort may have prompted them; that he might possibly escape the gallows, which they didn't intend he should do.

By Mr. RICE:

Question. Could they not have done it as well afterward as when they did?

Answer. That was a suggestion I made in the office—that there would have been time enough, when the court failed to administer the law, for them to administer it in a summary way, but to let the law try first, and if the law failed, and they were determined that he should die, they could then put him to death, but they should first let him be tried.

By the CHAIRMAN:

Question. You have stated instances where negroes have been killed; you may state any instances where negroes have been whipped by men banded together.

Answer. I can state that there have been some negroes whipped. I have heard of them; but there is only one case now that I can call to my mind, and I recollect that case because it occurred very near to my dwelling. I lived out of town a little while last year. I believe it was twelve months ago. An old negro man and a white man—I believe he was an Englishman—were going out of town, and were overtaken on the other side of the river and carried into the woods, and very severely whipped and shot.

Question. Both?

Answer. I think so. They shot both of them, I think; they didn't kill them; they whipped them pretty badly. Some negroes on my place told me about it when I went home. They didn't tell me all the parties; if they did know, they persistently maintained to the last that they didn't know who they were. I did not see any of them. I don't know the white man's name; I am not certain that I knew the negro's name, but I think it was Powers or Powell, and said to be a very good, harmless old negro, and one who had done good service in keeping the negroes in subjection in his neighborhood. I know Mr. White, a Baptist minister down here, and others, told me it was an outrage to whip a harmless man like him.

Question. What was the pretense?

Answer. The only thing I heard was, this old Englishman was teaching the negro school in the immediate vicinity of where this old negro man lived, and had been living in his school-house, I believe, and from some cause had become afraid to live by himself, and asked permission of the old negro to let him sleep in his house; and in consequence of the old negro letting the white man sleep in his house, he (the negro) was whipped, and the white man whipped for sleeping in the negro's house.

Question. You do not mean that they slept together?

Answer. I don't know; I don't suppose they did. They were, I suppose, very poorly provided.

Question. Has the whipping of negroes been pretty common in the last few years?

Answer. I am trying to think. I have heard of some negroes being whipped, but I can't call any particular cases to mind now; I can't recollect any particular circumstance. I have not charged my memory with that, not expecting to be called.

Question. Have you heard of any colored schools being interfered with?

Answer. I have heard of some colored school-houses being burned up, one or two where colored schools were taught. I don't remember any of the circumstances about it. I did not learn much about it. One was burned up out at Cuba Station, in this county, but I believe the citizens have gone to work and built them a much better one; so I heard.

Question. Where was the other one burned?

Answer. Let me see; I think there was another, but I can't recollect now. I don't believe we have had any burned here. There have been none burned in this town, nor no disturbance of the schools here, that we have heard of.

Question. Have you heard of any colored churches being disturbed?

Answer. I don't remember, sir, except disturbances the negroes had among themselves.

Question. Have the negroes generally been peaceable and well-behaved in this county?

Answer. Pretty generally; yes, sir, generally the negroes have been. There has been but one demonstration made at all that I recollect of now. There is this Bel-

mont riot that Dr. Moore told you about. I know nothing about it. There was a demonstration made by them down there, that resulted in the death of Collins, and culminated in Zeke High's death.

Question. Didn't you understand that the negroes claimed that this was a Ku-Klux raid; that Collins was one of the gang; that he was implicated with them as Ku-Klux, invading their dwellings, and was killed for that reason.

Answer. No, sir; I never heard that. I never heard any reason given by the negroes for their conduct down there, that I recollect.

Question. Did you understand that Zeke High and those with him did anything more upon that occasion than to defend their houses against quite a large party that went there in the night-time?

Answer. I understood that they had made some demonstrations there during the day-time. I don't know that this killing took place in the night. I think they did, however. I am not positive about that; but I think it was in the night. I don't know that they did it. I never learned why the negroes had got together and were armed. I heard, on the contrary, that the citizens down there did not want interference; the report came up here that the negroes had risen, and there was great disturbance, and our people went down there, but I heard that the citizens down there did not want any interference on the part of our citizens; but I don't know whether that was true or not. I don't know what the feeling of the citizens was down there, or how they behaved themselves, or how the negroes demeaned themselves, except that one white man was shot. I didn't know the negro was in jail until they took him out and hung him. I did not know he was in jail. You are asking me about any demonstration; a little more than twelve months ago, I think last August a year ago, a man living here named Price, whose character you have heard of probably, advertised that there was to be a mass meeting here, for the purpose, I think, of nominating delegates to the State convention, to meet at Selma; but from some cause, the first meeting was not held. Price subsequently published a notice that there would be a meeting, and the day before that meeting was to take place a large number of negroes crossed the Noxubee at Gainesville, which comes into the Tombigbee immediately above the town. There is a section of this county lies north of that river. About a hundred armed negro men came down to the ferry, crossed, and came over into town. Immediately some citizens of Gainesville telegraphed here that a body of armed negro men were coming down here. The news spread very rapidly through the town and country, and next morning there was a very large body of armed white men in town.

Question. In Livingston, here?

Answer. Yes, sir. Some armed with guns and some with pistols. About 11 o'clock there was a tremendous excitement raised in town. It was reported that a negro had come into town and bought a bag of buckshot, and gone out to the edge of town where these negroes were congregated. The white men here all mounted their horses and went off in that direction. I did hear that some negroes were shot. I never saw any dead or any one who saw any who were shot. I don't think any were killed.

By Mr. BUCKLEY:

Question. Was the convention broken up?

Answer. They were dispersed. There was no convention; there was no one to hold the convention for them. Mr. Price had left here the day before.

Question. Was he apprehensive of danger?

Answer. I suppose he was; I don't know.

By the CHAIRMAN:

Question. Did you hear how many negroes were shot?

Answer. No, sir; I don't remember. I only heard them say some of them were shot. Price was apprehensive of danger all the time for a year before he left here. He occupied a position that was not well thought of by the people here generally.

Question. He had been a democrat, hadn't he?

Answer. No, sir; I don't think he had. He was very radical. He had been a confederate soldier, he told me.

Question. A southern man?

Answer. He said he was, and that he fought through the confederate war.

Question. Do you think those two circumstances were not sufficient to make him a democrat?

Answer. It didn't seem to make him one. He was very ultra in his opposition to the democratic party, and came out of the war very violently opposed to the war. He said he was very much opposed to it all the time, but like everybody else, every young man, he had to go to the war. He got very tired of it. Whether he fought through or not, I don't know; but there was a very strong prejudice against him. He was the head and front of the republican party in this county, so far as the negroes were concerned.

Question. Did the prejudice grow out of that fact?

Answer. Yes, sir; the opposition to him grew out of the fact that he was exerting an influence over the negroes here; it grew out of the fact that he was a radical, and it was believed he was teaching the negroes things which he ought not to have taught them.

Question. What?

Answer. Well, he was teaching them resistance.

Question. Under what circumstances?

Answer. Under almost any circumstances.

Question. When their rights were invaded?

Answer. No; not only that. It was said—I don't think myself that everything that was said about him was true; I don't think he was all that was said; he was a bad man, I expect; that is my impression—but it was said he was teaching the negroes that they ought not to work for the white people; that the white people were exercising too much authority over them.

Question. Did you ever talk with any reliable man who heard him teaching such things?

Answer. I never did.

Question. It was very easy to get up that kind of a storm against a leading radical?

Answer. Yes, sir; that is all so. But when a white man came here and associated with the negroes—in the first place, he came here and was the first man who taught a negro school. I did not blame him for that; I blamed our young men for not teaching schools themselves; I advised them to; that there was money in it.

Question. A great many whites did blame him?

Answer. They didn't like his teaching the negroes and boarding with the negroes. He said he could not get board with anybody else.

By Mr. BUCKLEY:

Question. Was that not difficult for anybody teaching a colored school?

Answer. He could probably not have found board in a private family, but, I think, could have boarded at either hotel. He boarded with the negroes and made the negroes his associates, and didn't associate with white people any. He brought his mother and sister here, and they were very nice ladies. They taught the negro schools; they associated a great deal with the negroes; well, they had to have somebody; they were dependent on the negroes for support.

Question. Were they southern-born people?

Answer. They were.

By Mr. RICE:

Question. The whites would not associate with them?

Answer. No, sir; not at all.

By the CHAIRMAN:

Question. They were intelligent white people?

Answer. They were very intelligent, I believe; I don't know.

Question. People of good morals?

Answer. Yes, sir; Price used to curse the Methodist church here very much. His mother and sister wanted to join the Methodist church, and they wouldn't let them, he said, but I didn't believe that; he used to curse them for it. His mother and sister were very nice people. Price took up with a yellow girl here, and staid with her like a wife.

Question. Is that an uncommon thing in this country?

Answer. No, sir; it never was in this country.

Question. Never set down to a man's disgrace?

Answer. Not so much; but, as old Judge Pickens said, "lying by the thing didn't do so well:" it was not esteemed so well as "taking a little and running;" lying by it was objectionable. I think the prejudices against Price were upon that ground, and the ground of his association with the negroes, and his general deportment; and his being a republican, I have no doubt, had its influence; it had some influence upon them, I think likely. But he was a very daring, bold man, and staid by her against all opposition, when I don't think any man in the world would. He knew he was in, or said he knew he was in great danger; he told me that he realized that he was in great danger.

By Mr. BUCKLEY:

Question. Did he not really have to leave on account of these things?

Answer. Yes, sir; I think so. I think if Price had been here at the time when that excitement was up, he would have been killed, because the negroes said he had instructed them to come here armed—bring their guns; so I understood. If that was the fact—and the people would not have stopped long to inquire—I think likely he would have been killed. I was very glad he was not here.

Question. Were you present in Livingston last fall when a public meeting was held here, at which ex-Senator Warner and ex-Governor Smith spoke?

Answer. Yes, sir; I was then living out here by town.

Question. Was there not a good deal of hostile demonstration that day?

Answer. There was some talk.

Question. Didn't you hear it remarked on the streets that day that they should not speak?

Answer. No, sir; I did not hear it; I came in while Governor Parsons was speaking; I didn't hear Governor Smith; I was introduced to General Crawford, the only man of the party I was introduced to. He was in the office and spent some time with us. The others remained over at the hotel. My habit was to go over home to dinner at 12. I started and hurried back to hear the speeches, and when I got back, Governor Parsons was speaking, with frequent interruptions by persons talking to him, and asking questions. I didn't go very near; it was at the west door of the court-house; the crowd was beyond that; the parties speaking to him were in the outskirts. Mr. Cockerell here in town, a lawyer, I suggested should go into the crowd and stop them; and he went into the crowd, and I heard no more of it.

By the CHAIRMAN:

Question. What was the nature of the interruptions?

Answer. I don't know that I heard distinctly. I know they were interrupting him, and he was stopped frequently; the parties asked questions, and he respectfully stopped and heard their questions, and then answered them in a pleasant way. He demeaned himself very elegantly.

Question. How many whites were there in the crowd?

Answer. There was a large number of whites and blacks; a great many people were here that day.

Question. Was it a general discussion?

Answer. No, sir, I think not; it was altogether one-sided.

By Mr. BUCKLEY:

Question. Judge Reavis said he heard some parties that day say that the speakers should not address the audience.

Answer. I did't hear it. I was busy in the probate judge's office, but went home before the speaking, and came back when Governor Parsons was speaking. I hitched my horse and came right through the office, and listened to Governor Parsons. I was very much pleased with his style. He was discussing the education of the negro.

Question. Did you say Judge Smith was objectionable on account of the way he was elected to his office?

Answer. I think that was one objection; but perhaps the greater prejudice against him is, he was a northern man, and floated in here immediately after the war.

Question. Do you not think he was elected by a majority of the votes in the judicial district over which he presides?

Answer. Yes, sir, there is no question about that.

Question. What counties compose your judicial district?

Answer. I don't believe I can recite them all. There have been some changes; this county, (that is, Sumter,) Choctaw, Marengo, Greene, Pickens, and one or two counties above there—perhaps more.

Question. Hale?

Answer. No, I don't think he goes to Hale County. This little fellow that died over there—Whelan— he was the judge of Hale County, and resided at Greensborough.

Question. By Hodgson's Alabama Manual, Choctaw, Pickens, Sumter, Marengo, and Greene constitute the circuit.

Answer. There is Pickens and a county or two added on above that; I don't remember the names of those new counties.

Question. Do you suppose the democratic presidential ticket of 1868 received a fair minority vote in this judicial district?

Answer. I don't remember.

Question. Didn't it poll about all the strength of the party?

Answer. I can't tell you, because I never noticed anything about it. I can't tell you how the vote stood in any other county. I don't think there was any opposition to Smith; I don't remember that there was.

Question. I was comparing his vote with the vote at the presidential election.

Answer. I can't tell how that was.

Question. I notice by a comparison of the vote, that he received over 4,000—nearly 5,000 majority over the presidential democratic tickets in 1868.

Answer. I never paid attention to it.

Question. His election must have been correct?

Answer. If the constitution under which he was elected was properly carried, Judge Smith was rightfully elected.

Question. Was he not elected independently of the constitution?

Answer. Yes, but he was elected under the constitution, and if the constitution was a failure, his election ought to have been a failure too. That is the way the question has been argued in the county here.

By Mr. BLAIR:

Question. That is to say, if Congress had kept faith with the people, and when they defeated the constitution in the manner provided by Congress, the constitution had been declared as not carried, there would not have been any officers?

Answer. Yes, sir; Judge Smith's election would have gone with the rest.

Question. But the adoption of the constitution by Congress, after it had been defeated, was construed to elect all these officers?

Answer. Yes, sir; they have held on any how, and that was the construction given it.

By Mr. RICE:

Question. What is the general inclination of the colored people here, in regard to voting? Which ticket are they inclined to vote?

Answer. The republican. The mass of the colored people here are republican. I am satisfied of that.

By Mr. BUCKLEY:

Question. From what you have stated, and what you know of this county, do you think the colored people feel free to vote just as they choose? Have they so voted, without fear or intimidation?

Answer. I have had but very little conversation with them upon that subject. I talk but little with them, any way.

Question. Do you think an earnest republican in this county can defend his views without any fear of personal violence?

Answer. I can't say, sir. I think possibly he might now. There seems to me to be a stronger disposition on the part of the people—the people are more aroused, at least so far as I have heard any expression in regard to it, to put down any lawlessness—what has been denominated Ku-Kluxism in the country. My impression is, if there was a republican candidate in this country, unless he was a man of terribly bad character—if he deported himself as a man ought to before the country, and did not preach up incendiarism or anything of that sort, I don't believe he would be molested now. But he might be; I can't say; that is rather my opinion, that he would not be.

By Mr. RICE:

Question. Do you think the negroes are as free to vote the republican ticket as they would be the democratic ticket?

Answer. I can't say whether there was any intimidation used in the last election or not. I saw none, nor did I hear of any. I didn't see any offer of violence used toward the negro population here. There was a tremendous effort made here on the day of the election; I have seen the same effort made all my life-time with the same class to get them to vote one way or another. There was a large number; the vote was heavy. Men were urging them, pleading with them; explaining to them the propriety of voting the democratic ticket rather than the republican ticket.

Question. Did the republicans make a full canvass, freely and fully, prior to the election?

Answer. No, sir. I don't know that there was any attempt at a canvass except the attempt that they made to speak here. I don't think they did.

By the CHAIRMAN:

Question. That is the day Governor Smith and Ex-Senator Warner tried to speak?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did the congressional candidate come in and make a speech?

Answer. No, sir.

Question. Was it safe for him to come and speak?

Answer. The existing state of feeling at the time probably would have rendered it hazardous for him to have come here.

By Mr. RICE:

Question. Would not that same feeling have operated on the negroes in regard to their vote?

Answer. It might possibly. I can't say. Some of the negroes did not vote. Some excellent negroes in the neighborhood told me they didn't vote, and never intended to have anything more to do with politics.

By the CHAIRMAN:

Question. How do you account for the prodigious change from 1868 to 1870, in the vote?

Answer. I don't know of any intimidation being used, but I think it was a measure of policy with the negroes as much as anything else. I think they thought it more politic for them to vote the democratic ticket.

By Mr. RICE:

Question. More to their interest; more to their safety?

Answer. I don't know. There was a large republican vote here, and no violence done to any of them for voting it; and no difficulty that I ever heard of.

By the CHAIRMAN:

Question. But there was an absolute change of 1,500 and odd votes?

Answer. Yes, sir; there was a falling off in the vote of about 1,500.

By Mr. RICE:

Question. Had there not been violence prior to the election, so that they thought they might be invaded in their houses?

Answer. I don't know that they attempted any meetings in their houses that were disturbed.

Question. But had not there been violence of that character, prior to the election—killing and whipping?

Answer. There had been some violence. I don't remember any prior to the election last year. There may have been some.

By Mr. BUCKLEY:

Question. Is it not a fact that all these men taken out of jail, killed, run off, whipped, and shot were republicans, except in one instance, where a white man was taken from jail and released?

Answer. I don't know.

Question. Were not Burk, Houston, Price, and all these others prominent and leading republicans?

Answer. Yes, sir; all were republicans.

Question. And the county had been deprived of the services of all of them?

Answer. Yes, sir; if they were of any service, their services were lost.

By the CHAIRMAN:

Question. Was not that calculated to strike terror into the hearts of the negroes when they saw their leaders treated in that way?

Answer. I think it possible that it was; I think it is very likely that some negroes were deterred from that circumstance from voting the republican ticket; and I think others voted the democratic ticket because their employers did, and it was for their interest; and others did not vote because they did not want any contest with the people they lived with. I conversed with a very good negro man to-day. In this county at present there are regular democratic nominees for the county offices at the county election; there are several gentlemen running independently—one for county assessor, and one for county treasurer—the present county treasurer; and, in connection with them, some other names have been suggested and tacked on to their ticket, making a complete independent ticket. These negroes, some of them that had not voted last year, were very partial to the county treasurer particularly, who is an excellent gentleman, who was left off, and who declined going into convention; one of these negro men had told me he was going to vote for him, but he came into the office to-day and remarked to me, "I can't vote for him; I have been doing all I could for him, but I can't do anything more; I was told to-day if I was voting for him I was voting the radical ticket; and if there is any politics in this thing, I shall have no more to do with it;" and he declined on that account.

By Mr. RICE:

Question. You say they are deterred by the desire of being at peace with their employers?

Answer. Yes, sir.

Question. Would they be at peace with their employers if voting the straight radical ticket?

Answer. I can't say; there would, perhaps, be more unkind feeling. The negroes on my place, every one, voted the straight republican ticket. I told them to vote it, if they wanted to. "I vote as I please, and you do the same."

By the CHAIRMAN:

Question. But are all men as reasonable with them as you are?

Answer. I told them to do so. I had one man that used to attend the League; he

would attend all night until nearly day. I used to scold him about it until one morning, coming home, when it was nearly day, he caught a negro stealing some of my goats, and I told him if that was the result I wouldn't find any fault; and I let him vote as he pleased.

Question. Are all democrats as considerate as you are?

Answer. I am not a democrat.

Question. You vote with them?

Answer. As I told a gentleman to-day, I once belonged to the whig party, but the whole of it had been absorbed in the other two parties, except myself; I stood alone.

Question. You do not vote with the radical party?

Answer. I voted for Governor Smith.

Question. Did you vote for Grant and Colfax?

Answer. No, sir.

Question. Did you vote for Seymour and Blair?

Answer. Yes, sir. It was a pretty hard dose for as strong a whig as I am, but I swallowed it.

Question. How did you vote last fall?

Answer. I voted for one member of the legislature.

Question. Democratic?

Answer. Yes, sir. I have been trying to think who was running on the republican ticket in this county, but I can't think. I believe I have told you of all the things I can think of—all the disturbances. There have been some other matters, I reckon, that have escaped me. We have had some disturbances in our country which I very much regret—the existence of lawlessness.

By the CHAIRMAN:

Question. In regard to the Meridian riot last March, was it ever understood that a large part of the rioters were from Sumter County, Alabama?

Answer. It was reported at Meridian, I understood, that they were from this county; they called them Alabamians; from this county and Choctaw, both; they said Alabamians.

Question. Have you any reason to doubt the truth of that assertion?

Answer. No, sir; I expect probably it was so. I think very likely some of our boys were over there; possibly they were, but I don't know.

LIVINGSTON, ALABAMA, *October* 31, 1871.

THOMAS COBBS sworn and examined.

The CHAIRMAN. This witness being called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Please to state your residence and your occupation.

Answer. Livingston, Alabama; my profession is that of attorney at law.

Question. How long have you resided here, Mr. Cobbs?

Answer. I have resided here, off and on, since 1846. I left here in 1849, and returned again in 1856. I resided in Choctaw County, which was cut off from this county, and I have been, you may say, familiar with this county since I came from North Carolina, in 1841.

Question. In what counties do you practice?

Answer. In this county, in Choctaw County, and in Greene County. My practice is limited in Greene County, but it has been somewhat considerable in Choctaw and this county.

Question. The object of the committee is to ascertain generally the condition of the country and the manner in which the laws are executed and order maintained; will you please state briefly the condition of this county and the country, as far as you are familiar with it?

Answer. I am more familiar with this county and Choctaw than I am with any of the other adjoining counties. I know of no obstruction to the law in either Choctaw or Sumter County.

Question. There has been some testimony given before the committee in reference to this county as to violations of the law; the taking from prison of several persons; that two persons were taken from prison and put to death, and another prisoner was taken from the jail and released; state what you know about these circumstances.

Answer. The first prisoner that was taken from the jail and executed, was arrested for burglary and murder, at a place about nine miles from this town.

By the CHAIRMAN:

Question. What was his name?

Answer. The negro that was executed was named Jasper, I think; the man that he killed, I think, was named Binns.

By Mr. BLAIR:

Question. Where did he live?

Answer. This man Binns lived at the cross-roads between this point and Gainesville, nine miles from here. He was a merchant; he was killed in his house after night, being shot with a gun. I was not there. Do you desire me to state rumor?

Question. Yes, sir; briefly what you know from reliable information.

Answer. Well, sir, from reliable information, as stated at the time, this negro waked up this man that was in the store, and called him to the door to sell him some corn; he struck a light inside, and as he came to the door in his undress, the door being thrown open, he was fired upon and killed. The store was then robbed of some things; I don't remember the different articles; some whisky and tobacco, and such things, and perhaps money. The citizens collected together, and they hunted up and arrested this man, the negro, Jasper. The citizens sent for me to prosecute him. I went down to attend the trial, and found, when I got there, that some of the relatives of the deceased man had employed another attorney. I was present at the time of the trial, but took no part in it, Mr. Snedicor being employed by some of the family; I assisted him in the prosecution; I merely assisted him then in drawing out the evidence about the murder. The man was committed to jail. The evidence was pretty much as I have stated the case already to you; and my best recollection is that his confessions were introduced, in which he acknowledged that he did it. He was brought here and put in jail. Some time after he was taken out of jail at night.

By the CHAIRMAN:

Question. How long after that?

Answer. It must have been nearly a month; I am not positive as to the time. He was taken out of jail at night, and carried out of this town to the outskirts, on the Demopolis road, not far from this town, and hung, and was found dead there the next morning.

By Mr. BLAIR:

Question. Were the men who took him out in disguise?

Answer. I think not; at least it was not so stated at the time. The jailer that was here then was a young man who was a stranger; he had not been here long, and I have forgotten his name. The account he gave of it was, that they came with a regularly drawn mittimus, and with some man as a prisoner. They got in and got possession of the jail, and got possession of the keys, surrounded his bed with pistols, and took him out, and took him about a mile from here and executed him.

Question. That was not supposed to have any political significance?

Answer. No, sir; no political significance whatever. It is supposed that he was executed because he had committed this burglary and this murder. It was a horrid affair. There was nothing political in it whatever that I ever heard of.

Question. There was another case of taking a man out of jail who had killed a negro, and releasing him?

Answer. Yes, sir; and in that case I was counsel for the prisoner; Prater was his name. He was a drunken maniac. He came from Mississippi here. He was seen drinking on the streets, late in the evening, at a place across here kept by a negro—a negro grocery, and, as he went out of town flourishing his pistol and threatening to shoot down some one, he passed on until he got upon the hill, about a mile from here, and there met the negro man, Jerry, and fired on him and killed him. He was very drunk. He went about two or three miles further, and the white citizens of the place here went and arrested him; among them, I think, a Mr. Voss, of this place, and brought him back and put him in jail. Then I was employed to defend him. He was committed without bail, and I afterward made application to have him released on bail before Chancellor Taylor. That was refused, and I think he remained in jail perhaps some twelve months. I am not certain as to the time when he was taken out, and that is the last we have heard of him.

Question. Were the men who took him out in disguise?

Answer. I don't know, sir; I never heard that they were in disguise. Of course I knew nothing of it, except from hearsay at the time. I was very much surprised at it; very much chagrined at his being taken out. I considered that I had a perfect defense: I had physicians who would have proven him insane in mind, and could have proved him unconscious at the time of what he was doing; so the witnesses, at least, stated to me; but I desired that he should be tried.

Question. Were there any developments made in that case to show by whom this rescue was made?

Answer. No, sir.

Question. Was there any attempt made to ascertain?

Answer. Yes, sir; the sheriff then, or whoever had charge of the jail, made an effort to find out; I think, perhaps, he got some men and followed. They went westward in that direction, but these men had so long the start that nothing could be done.

Question. In reference to the case of Zeke High, state the facts.

Answer. Well, as to Zeke High, there was an indictment against him for the murder of a man named Collins, who, it was said, was killed by him; he having a warrant in his possession to arrest High. He was arrested and put in jail, and was taken out, and carried about a mile from this place, I presume, and killed—he was shot.

Question. Was it supposed there was any political cause leading to this?

Answer. No, sir, the supposition on the part of the people seemed to be that he was killed because he had killed Collins—on account of the feeling against him for having killed Collins; and it was said he had acknowledged of the killing of Collins. He was said to have been a turbulent, bad negro.

Question. It was shown that he was killed at High's house, was it not, or near there, in a swamp?

Answer. Yes, sir. He was killed in a swamp where Zeke High was with a collection of negroes. I don't know whether Zeke High's house was there or not; I don't think I heard. He was killed in a swamp near Belmont; perhaps between the swamp and Belmont, where there were some negro houses. It seems to me it was about the house of Wash Shackleford; I don't know where he lived.

Question. Were there any circumstances that came to your knowledge in reference to the killing of that man High, going to show that it was done by parties in revenge for the killing of Collins?

Answer. I don't know. It is only inference with me; I don't know of any facts. Arrangements had been made here to prosecute him, and the conviction of those gentlemen employed to prosecute him was certain. They had every evidence of it. It could have had no political significance, for I don't know that he had anything to do with party whatever. I never heard of his having anything to do with politics.

Question. Collins?

Answer. Either Collins or High. It could not have been for anything else than revenge. That is the only conclusion I can draw from the circumstances; or, perhaps, a fear that he would escape.

Question. Escape on the trial, or escape from jail?

Answer. Well, sir, escape, perhaps, by change of venue. There has been something said about that—that likely his counsel would move for change of venue—some apprehension that way; but that is all conjecture, because no one knows. It was done so secretly and unexpectedly that we can form no idea any way. The only conclusion I can come to is, that it was for revenge for the killing of Collins, which he had acknowledged.

Question. Do you know anything about the disturbance in which Mr. Chouteau was implicated, in this county, and the colored representative from this county, named George Houston?

Answer. I only know that from hearsay at the time—from the talk of persons at the time. It is said that Chouteau lived at or in the neighborhood of Sumterville; and it was said he was a member of the Loyal League, and that he had the roads picketed and guarded, and arrested citizens on the road passing about in their regular occupations; that he had, at different times, a large number of armed negroes around him. It is said that he was himself very insulting at times. He moved from that neighborhood down into this neighborhood here—Livingston; and the opinion was that it was on account of his conduct up in the neighborhood in which he had lived; that that was the cause of their seeking to kill him. There was an effort made here to shoot Chouteau early in the year, before the time that this man Coblentz was killed, and they failed; they fired in the house and missed him. But this boy, George Houston, came down then, and threatened to have the town burned if these disorders were not stopped; he threatened to have the town burned. It is said that upon various occasions he threatened to have this town burned. Upon one occasion I was sent up with some other white gentleman in a room over what is now the bakery establishment across here, where they held their meetings, to consult and advise with them what to do in order to find out and detect some men who had killed some negroes up about Horn's Bridge. A message was sent to me and several other gentlemen and we went up there, where there was a large crowd of excited negroes; they said they wanted to counsel with us; and I delivered them an address, and several others did, and told them we must stand by the law and enforce it, and ascertain, in all legal ways, who were the murderers, and bring them to justice; and we would prosecute and see that the laws were enforced. George Houston got up, after all the gentlemen had addressed them, and had told them we sympathized with them and would aid in protecting them, and in enforcing the laws and bringing to justice these offenders—George Houston got up, and made a very incendiary speech,

and then threatened the burning of the town if these things were not stopped. I recollect one expression he made; he said, "We have sent for you white men up here to see what you will do, and if you don't do it, we will take the thing in hand, and then we will have this town burned," or something of that kind. The precise words I don't remember; that was the impression. I was very much fretted at him at the time, and told him I had come up for a different purpose, and if that was the course he pursued I would have nothing more to do with him. Mr. Price, then circuit clerk, who was present, got up and made some remarks, explanatory, to soothe or do away with the effect of the speech this Houston had made. Taking these things all in connection, I know of no other reason why they should have sought to kill George Houston.

Question. Will you state, Mr. Cobbs, what was the general condition of your country at the time, leading to this disturbance and this bad feeling between the races—out of what it grew?

Answer. After the surrender there was a disposition on the part of the freedmen and their former owners, and in fact all the white persons, to live together in peace and harmony. The freedmen themselves seemed to desire it as well as the white persons. They established a society here called "The Friendly Society," and they requested us to come down and address them at their meeting, in order to advise them and give them counsel; and we did it. I addressed them myself, frequently; and other members of the bar and other citizens here took particular pains to address them. There was a good feeling, as well as I remember; but there came men here by the name of Rolfe, and also Hays and Price; and from the time they came here a bad feeling commenced between the white people and the negroes. The negroes before had been polite, and the white persons polite to them. The negroes, then, became impudent; they would hardly get off the street or sidewalk, or give way to a lady; they jostled them, and they seemed suspicious of the whites. They were soon organized into what they called the Loyal League, and they marched into this town under arms on various occasions. On one occasion during the last presidential campaign they marched through here, some of them on their plow-horses, representing cavalry, with their swords. I think they had a drum, and they hallooed, "Hurrah for Grant!" They went on down to the spring close by here, and a very inflammatory address was made to them by Mr. Price, then circuit clerk. I was not present, and, of course, I only state the rumor. I saw them marching through the town, and when they came back, still marching, some boys here hallooed, "Hurrah for Seymour and Blair!" The mob took after them and were about to mob them, and some ——

Question. What parties were those that hallooed, "Hurrah for Seymour and Blair?"

Answer. They were democratic negroes; I think one named Jake, and another named Esau, and I think this boy named George, hallooed, "Hurrah for Seymour and Blair." They brought one into one of the stores here, close by, kept now by Dr. Kennard, and a dense crowd gathered around, and threatened them. I went down and stood in the door with them; and the intendant of the town and some ten or fifteen white men would not permit them to go in and disturb them. The intendant stood on the steps of the door, and delivered an address to them, and persuaded them to disperse, and not violate the law. He made a lengthy address to them, but it seemed to have no effect; they seemed disposed to crowd in, any way. When Mr. Price, who was standing on the steps, at the end of the intendant's—Mr. Edward W. Smith's—address, spoke a few words to them, and told them to go home, they immediately disbanded.

Question. Did Price and these parties of whom you speak, seem to have control of them? You say he spoke a few words, and they immediately dispersed; did he seem to have complete control?

Answer. He seemed to have complete control over them, and he always had unbounded influence over them as long as he remained here. And I am satisfied that had these floating men staid away from here, and not inflamed them, there never would have been any disturbance between the freedmen and the white citizens; that was the sole cause of it.

Question. Who was this man Price?

Answer. He was a man who, rumor says, was a pardoned convict out of the penitentiary, where he had been imprisoned for grand larceny, and who was afterward a member of the confederate army and deserted from them and joined the Federal troops. After the surrender he came in here and taught a negro school, and was afterward elected circuit clerk at the first election that was held. We doubted the validity of the election; but that is not the question at issue now. He was one who was declared elected by Congress.

Question. In 1868?

Answer. Yes, sir, in 1868; he was an unprincipled man.

Question. Were there any other evidences of that control over the negroes of which you speak?

Answer. Well, sir, they had various processions here at different times, and he used the same control over them at different times. I don't remember now, but he was a

member, or met with them in their Leagues, and they seemed to have unbounded confidence in him.

Question. What has become of him?

Answer. He went from here, sir, to Meridian, where he was arrested under a charge for lynching or Ku-Kluxing a boy by the name of Adam Kennard, and, I think, another negro by the name of Jim Bradford.

Question. What did he Ku-Klux them for?

Answer. They went down to get some freedmen from Meridian to come up to hire themselves out here—to be hired as laborers on the different farms here; that is the only cause assigned. The statement of the fact was, that he was himself in disguise at the time he made this assault upon them, and that they identified him by his voice and by his size; he was arrested upon that charge and bound over, and, I think, forfeited his bond; that is the rumor at Meridian.

Question. What has become of Rolfe?

Answer. Rolfe was elected to the legislature and went away from here; I don't know—I have lost sight of him. Hays remained here and acted, or attempted to act, as an agent of the Freedmen's Bureau, and got in possession of some of the freedmen's money, and some money, perhaps, of a man named Powell, who had an interest in the cotton to the amount of about a thousand dollars, and he ran away with it. I don't know where he is now.

Question. You say that the disturbances between the whites and blacks originated after the advent of these characters and others similar?

Answer. Yes, sir; I heard of no disturbance until after their advent into this country; I don't remember of any disturbance. The colored people seemed to have a particular anxiety to live peaceably and friendly with the whites. They frequently requested us to come down and address them upon any subject of interest to them—advise them of their proper course, and how to get along and make a good living.

Question. Has there been a better state of feeling since those parties left here?

Answer. Yes, sir; much better; with the exception of the taking this negro out of jail, which occurred before court, I don't remember of any disturbance around here since they went away; none occurs to me now.

Question. Do you consider that at present the state of feeling between the negroes in this county and the white people is better than it was at any time during the past?

Answer. It is much better than any time since these men, Hayes, Rolfe, or Price, were here—much better. It is not better than it was immediately after the surrender, because the feelings then, particularly, were very kind in all parties. There was a disposition in the white people to feel grateful to the negro race for the manner in which they had conducted themselves during the war, when the families of the soldiers were left here unprotected, and there was a disposition to employ them to cultivate their farms, until these men came in. Well, since they went away there is good feeling between them. I don't know of any ill-feeling whatever between the whites and blacks now; I don't know of any. On the contrary, before our last election, during the last canvass, I spoke to them in different parts of the county, and they attended meetings and listened attentively to every argument that we made, and they attended the election in large numbers, and voted in large numbers with us. We preached to them on the stump that we would aid them in having the law enforced, and protect them from the depredations of anybody that saw proper to injure them—that we would have the laws administered alike to them as to us. They believed us and voted with us, and in some few instances—one or two instances—some drunken men struck some negro with a stick, and we had them taken up and prosecuted and fined; at least they plead guilty. They admitted the wrong themselves when they were sober, and plead guilty and were fined.

Question. It is a matter that has been testified about here, that the negro vote at the last election was much smaller than at the presidential election; that there was a large change of the negro vote from the radical to the democratic ticket. Was there any attempt at intimidation or coercion to produce this result?

Answer. None whatever, that I ever heard of. On the contrary, in all my addresses to the freedmen I proclaimed to them that they should be protected in voting any ticket they saw proper; that if they saw proper to vote the republican ticket, to do so, and that they should be protected in it; and I stated the fact that what I said would be carried out; all the white persons present would indorse me in it, and see that they were protected. Mr. Socrates Parker, of this place, was very active in the canvass—a man who had owned many slaves before the war, and many of them knew him and had confidence in him. On various occasions when I was present he made that announcement to the public, that they should be protected, let them vote for whom they pleased; and no undue influence was used in any part of the county that I know of.

Question. In point of fact there was no intimidation?

Answer. None at all.

Question. Were you present at the election?

Answer. I was.

Question. Large numbers of them voted here?

Answer. Yes, sir; a dense crowd of them voted here, and there was no intimidation whatever used, that I saw. Persuasion was used. We would reason with them, and talk with them, as we would at any election to white citizens.

Question. Did you make a strong effort?

Answer. We did.

Question. Were addresses made to them by a number of citizens?

Answer. Yes, sir; by nearly every member of the bar, nearly all—taking the different appointments—some to one place and some to another; some at the points where I addressed them, some at others. Generally, two of us went together to make addresses. Captain Smith, who was a candidate for the legislature, canvassed the whole county. While he was canvassing one part I was canvassing another. My brother, Judge Cobbs, was with Captain Smith in canvassing his part, and Mr. Little and Mr. Snedicor in the upper part. I spoke at Cuba Station, York, Livingston, Coatopa, and Belmont. Those were the points I spoke at during the canvass. All the speakers proclaimed that no intimidation should be used; that they should be protected, let them vote as they saw proper. We told them to vote, and exercise the right of freemen, and we stated our particular reasons why they should vote with us.

Question. Did any of the negroes make addresses?

Answer. Yes, sir; there were a good many of them. A boy named Sid. Porter made an address here; a synopsis of it was published in several of the papers. I can furnish it to the committee if they desire it; also John Little, and in the lower part of the county—I never heard him—but a freedman, named Tom Wideman, at Belmont, and at Coatopa; I don't think any one was with me there. The night before the election, there were a good many speeches here, and while upon this subject I will relate this fact: During the canvass Governor Parsons, Governor Smith, and Ex-Senator Warner came here to speak at this place. On that occasion about two hundred and fifty freedmen were present, and fifty or sixty white men. They listened attentively to them; and Governor Parsons, in his address to them, stated to them that the white race was a superior race. After he had concluded his speech, and I had gone to my office, a message came to me purporting to come from these freedmen, stating that they were going to have a public meeting, and asking me to come over; I came over, with other gentlemen, and we took our seats; then several of them made addresses. A good many of the freedmen had then left town, but a large number still remained. They went into the court-house, and addresses were made to the freedmen there, and this Sid. Porter said if the white race was a superior race he was going with the superior race, and he delivered his address about Judge Saunders's pony, which has been published.

Question. What did he say? Who was Saunders?

Answer. Judge Saunders was deputy clerk for the circuit clerk, Price. Sid. Porter said the radical ticket reminded him of Judge Saunders and his little pony; that Judge Saunders didn't feed his pony at home, but when he wanted him he would put a bridle and saddle on him and ride him into town, and take the saddle off and turn him into the street to graze, and when he wanted to ride home he would re-saddle and bridle him, and return on him home; and, said he, "The freedmen are like Judge Saunders's pony; when these carpet-baggers desire to get office they bridle the negroes and ride them into office, and then turn them out to graze where they can; but the pasture is getting very short and dry, and their weight is getting very heavy." That was the substance of the speech.

Question. How did that speech seem to take with the freedmen?

Answer. They laughed immoderately, and applauded the humor. It was impossible for anybody that knew Judge Saunders and his pony not to be amused at it.

Question. Did you ever hear of a radical up in Demopolis by the name of Brown, who actually bestrode a negro's shoulders and rode him about one of their meetings, and said, "This is the way we ride into office?"

Answer. I have heard of it; I have heard of that report. It is said that at some meeting over there he got very drunk, and got on one negro, and rode him about, and told them, "This is the way we ride into office."

Question. You practice law in Greene County, also?

Answer. Yes, sir; my practice is limited in Greene County. I publish a card to practice there, but I go there seldom, only when I have business to carry me there. I go there occasionally in the interval of our courts.

Question. The result of the last election in Greene County was, in some respects, similar to the result here?

Answer. Yes, sir.

Question. That is, in the reversal of the radical majority?

Answer. Yes, sir; from my conversation with the members of the bar and the gentlemen from this county, they managed their canvass in a way similar to the way in which we managed it here; they spoke at public meetings, and spoke directly to the freedmen, in such a manner that they could understand and comprehend.

Question. And with a similar result?

Answer. Yes, sir; I think, perhaps, with a greater result in Greene County, for the vote was larger and the majority greater in that county. It is very large, and I think really their result was greater, overcoming that majority, than it was even here.

Question. Did you ever hear, or do you know from your intimacy with the county of Greene, which is very considerable, of any effort to coerce or intimidate the negroes there, and compel them to vote the democratic ticket?

Answer. Never, sir. As far as I have ever heard or known they agreed with us here that the negroes could comprehend us better than we had ever supposed that they could; and they could be influenced by our arguments; they could listen to reason and would listen to reason; and that the best way to succeed with them was to be upon terms of friendship with them, to persuade them, and to reason with them, and state facts to them, such as they could understand, and say to them it was to their interest to vote with us.

Question. Was there any effort to coerce them here or there by means of discharging them from employment?

Answer. I never heard, sir, of a single instance of that sort. If there was anything of the kind, I never heard it. On the contrary, a great many farmers could not influence their freedmen to vote with them at all. They came and voted against them. They came with them to town and voted against them, so it was said; and I don't know of a single freedman ever being discharged from the employment of any man on account of his voting.

Question. In point of fact, is not the anxiety to obtain labor so great by the landowners in this part of the country that they are compelled to get this labor in any way that they can?

Answer. That is it, sir. If they were to discharge the freedmen on that account——

Question. They would find employment immediately, would they not?

Answer. They would find it very difficult to keep from going into bankruptcy. Their creditors would get all they had. Most of the planters are in debt. They have not entirely recovered from their embarrassments yet. They mostly have mortgages on the crop to get supplies to make it. They owe to the commission merchants, and would not take any such steps as would deprive them of labor and cause the foreclosing of their mortgages upon them.

Question. The negroes feel very independent on that question, do they not?

Answer. Yes, sir.

Question. There is more effort on the part of the white people to get labor than on the part of the negroes to obtain employment?

Answer. Yes, sir. There is very great effort on the part of the planters to get labor. Toward the close of the year the streets are pretty much full of them, electioneering with them, and endeavoring to get them.

Question. They electioneer harder with them to get them to go to their places than to get them to vote with them?

Answer. Yes, sir; I think if they had electioneered as hard with them to get them to vote the democratic ticket as they do to get them to live with them at the end of the year, our majority would have been still greater.

Question. You say you practice regularly in Choctaw County?

Answer. Yes, sir.

Question. There have been some disturbances reported here from that county; do you know anything in regard to them?

Answer. The disturbances, you mean, in regard to the holding of courts, or the taking of life?

Question. Any violations of law.

Answer. There has been a man killed, I don't know his name, near De Sotoville; he was killed prior to the holding of the last court. I only know the fact that there was a man killed there; I don't know for what reason. I have heard of several other persons being killed around in that neighborhood, but I don't know the reasons of it. I have heard this suggested: that some one, I think, was killed for an attempted rape on a female, but which one I don't know. There was a negro man that was a register, killed a freedman two years ago down there. He pointed his gun at him and killed him; he was tried and acquitted for it; this was the principal disturbance there.

Question. You say a colored man held the office of register?

Answer. Yes, sir; he had held the office of register, and he killed a negro man upon the same place by pointing his gun at him, and it is supposed, at least the defense was set up, that it was an accidental shot, and upon that ground he was acquitted.

Question. On the ground that he had no malice, no intention to kill?

Answer. Yes, sir. Others believe that he did it to show his authority as register.

Question. They have had some trouble down there with their officers?

Answer. Yes, sir.

Question. The probate judge and others?

Answer. Judge Hill, the probate judge, was shot at by some unknown person on the road from Mount Sterling to Tompkinsville; no one knew who did it; there was but one man, I think, as stated by Judge Hill. It is said that he showed himself—that the judge saw him—but Judge Hill did not recognize him. That was near Mount Sterling. The offices of the probate judge and county treasurer and the records of the circuit clerk's office have been fired by an incendiary and burned, in Choctaw County.

Question. Who are those officers?

Answer. Judge Hill is the probate judge; his brother, Aleck Hill, is county treasurer. He was charged with the burning of the offices—the county treasurer. The grand jury was preparing to make a report showing him to be a defaulter to the amount of $3,000 or $4,000; but Judge Smith adjourned court before receiving the report of the grand jury; and after he adjourned court he came in and had that report spread upon the minutes. Some time after that the office was burned, and everything indicates the act of an incendiary. Among those burned were all the books of the treasurer. Nearly all the records of both offices with the exception, perhaps, of the minutes of the circuit clerk, which the clerk had out of the office and was overseeing for Judge Smith, and was writing the minutes up, perhaps, at night at his place. Those minutes were saved, and such of the papers of the ciruit clerk's office as he had out there. It is said that the money that belonged to the county was in the iron safe in the office, but when the safe was opened there were only some charred remnants of confederate treasury bills which could be identified perceptibly, but no other currency could be found.

Question. No remains or remnants of the United States Treasury notes?

Answer. No, sir; no remnant of them whatever.

Question. Didn't leave any ashes?

Answer. No, sir. The house of the county superintendent, Mr. Gilmore, who lives in Choctaw County, was burned, and perhaps $4,000 or $5,000 of the money belonging to the county was also burned.

Question. Who were these officers—of what persuasion?

Answer. William J. Gilmore and Judge Hill were radicals. Aleck Hill is believed to have been radical, but it is not definitely known what he is; he is accused by some of being that, and by some he is not; we don't know anything about it; my opinion is that he is a radical; I think he votes with them.

Question. Were they elected in 1868, at the time of the adoption of the constitution?

Answer. No, sir; Judge Hill was appointed by Governor Smith, and I think Aleck Hill was appointed. Gilmore was elected in 1868 county superintendent. Gilmore is himself a radical, one of the men who was tried for the murder of the editor, Newell Thomas. He was a law partner of Joshua Morse, attorney general of this State, and was charged with the murder of Thomas, with Judge Morse. He, with Judge Morse, was charged, and they were tried and acquitted in Mobile. They changed the venue from Choctaw County to Mobile, and were acquitted.

Question. Who is the present probate judge?

Answer. Judge B. M. Glover.

Question. Did the former judge resign?

Answer. Yes, sir; Judge Hill resigned, and Mr. Glover was appointed by Governor Lindsay.

Question. When did Hill resign?

Answer. Since the spring term of court; I don't remember the precise time; since the last spring term of the circuit court.

Question. Is there any proceeding being had against the treasurer? You say there is a suspicion.

Answer. Yes, sir, he was arrested and tried before a magistrate, and they released him without committing him to court. It is thought that there is a bill against him, an indictment, which of course I don't know, at this present term of court.

Question. Is he still holding the office of treasurer?

Answer. No, sir; I think he has resigned that, and Mr. Spear is treasurer. I am not certain about that.

By the CHAIRMAN:

Question. The first case of homicide you mention in your evidence is the case of Jasper; were any of the parties who were concerned in his rescue, or rather his being taken out of jail and killed, ever prosecuted?

Answer. No, sir; they were never found out. The coroner's inquest was held here, and every effort was made to find out who they were.

Question. You say every effort was made; will you mention what effort?

Answer. The summoning of witnesses and the examination of witnesses before the coroner's inquest.

Question. Did you conduct either of the examinations before the coroner's inquest or grand jury?

Answer. I did not.

Question. What means, then, have you of knowing?

Answer. From the fact that I was myself examined as a witness before them, and from the fact of seeing others go before them, and from the general notoriety of the thing, and the disposition on the part of everybody to find out.

Question. Did the party who took him out of jail come to town on horseback, or on foot?

Answer. It was done, sir, at night, and I don't know that any one saw them. The evidence of tracks around the jail indicated that they came on horseback.

Question. How far were those tracks followed?

Answer. I don't know, sir; the sheriff here had hunted them up and followed them. I do not know how far they followed them.

Question. In what direction did the tracks go?

Answer. They went in the direction of Demopolis, which is east from here.

Question. You have no knowledge how far these tracts were followed?

Answer. No, sir.

Question. Did any body of citizens follow those tracks with an effort to discover where those men came from, and who they were?

Answer. None that I know of, sir.

Question. Did the affair create much commotion in the community at the time?

Answer. It did, and there was a great deal of talk about it.

Question. You were present at the coroner's inquest?

Answer. Part of the time I was.

Question. How many witnesses were examined?

Answer. I do not remember, but a good number. The inquest itself is on file, and the testimony, I think, here. That will give the information more accurately. I was summoned myself and called before them; the examination was protracted, perhaps, all day, and when I went before them and was examined, and saw some others examined, I returned to my office and pursued my regular business.

Question. Was it said that Jasper made outcries at the time he was being taken from the jail?

Answer. No, sir. I think that perhaps he was gagged.

Question. Did the jailer make any outcries?

Answer. He did not, sir.

Question. Did any of his family make any outcry?

Answer. I think he had no family, sir—that he was a single man.

Question. Did he sleep in the jail?

Answer. He slept in the jail.

Question. The jail is in a populous part of your town?

Answer. Yes, sir; about one hundred and fifty yards from the court-house here, in sight.

Question. The outcries of the prisoner or jailer could have been easily heard, could they not?

Answer. I suppose so.

Question. He had been in jail about a month?

Answer. Yes, sir. I am not accurate as to time; that is my best recollection now; about a month, more or less.

Question. How many men were said to have been concerned in taking him out?

Answer. I do not know that I have ever heard the number specified—a good large number, I think. The precise amount no one knows; the jailer said a good number of them, but I don't remember that he stated the precise number.

Question. Where is the jailer now?

Answer. The jailer was arrested and carried to Selma by the military authorities for trial.

Question. On what charge?

Answer. On the charge of permitting them to take him out.

Question. On the charge of complicity?

Answer. I presume so; I never saw the charge.

Question. What was done with him?

Answer. He was discharged without trial at Selma.

Question. What has become of him?

Answer. I do not know; I have never seen him here since.

Question. He has never returned?

Answer. Never returned.

Question. Does it rest on his statement that the men were not disguised?

Answer. Yes, sir; I think he is the only man that saw them.

Question. Did he say that none were disguised?

Answer. I don't remember.

Question. Was he examined as a witness?

Answer. Yes, sir.

Question. Did you hear his examination?

Answer. I did not, sir.

Question. It is mere hearsay upon your part that he stated that they were not disguised?

Answer. Yes, sir, hearsay entirely.

Question. Did he state that he knew none of the parties?

Answer. He stated that he did not know them, sir.

Question. Have you any knowledge or information of where the men concerned in that rescue and murder came from?

Answer. I have none in the world.

Question. Did the testimony go to show that they were men of this county?

Answer. No, sir; there was no testimony that I remember of that showed anything about that, except the fact of the jailer's testimony; that is all. I do not think any one else saw them.

Question. About what hour of night was it said the rescue was made?

Answer. It was late at night; the hour I don't remember. I knew nothing of it until next morning when I came down. I don't remember the hour, but it was late in the night, however.

Question. The man killed by Jasper, Mr. Binns, lived about nine miles from here?

Answer. Yes, sir; at the cross-roads, near the residence of a man named McGinnis.

Question. Was it supposed that it was the friends of Binns that were concerned in taking Jasper out?

Answer. Well, sir, I don't know. I don't remember to have heard any supposition, because I had supposed that it grew out of the fact of the killing of this man.

Question. Was there no speculation of the people here as to who these people were?

Answer. None that I heard of.

Question. It was very much talked of?

Answer. Yes, sir.

Question. Yet no expression of opinion was volunteered as to where the men came from; not even that they came from the neighborhood where Binns was murdered?

Answer. That may have been. Do not understand me to have said there was none; but I say I heard of none. There was a great deal of talk here about it. There was a great deal of regret at its having taken place. Every citizen condemned it that I know of. I preferred that the law should take its course; but, as to conjecturing who did it, I don't know that any man conjectured. We didn't desire—the parties would not desire to wrongfully accuse a man of it, in the absence of any knowledge.

Question. Had Jasper been a prominent citizen of Livingston, held in high esteem by the white race, is it not your opinion that an earnest effort would have been made to follow the murderers, and that that effort would have been successful in capturing the whole or a part of them?

Answer. It is my opinion that, had he been a respectable and prominent citizen here, efforts would have been made to have found out and to have captured them. Whether it would have resulted in success or not I cannot tell; because an effort was made to find out the murderers of this boy, Jasper, without success, he not being a prominent citizen.

Question. But I understand that no effort was made, beyond the mere formal inquest that was held and the summoning of witnesses before the grand jury.

Answer. No, sir; I have stated that that is all that I know of. I don't say that no effort was made. On the contrary, I do not know what efforts the sheriff made.

Question. Of course you do not speak of things that you know nothing about. I am asking you what effort was made.

Answer. All that I know of, sir, of my own knowledge or otherwise, is the fact that there was an investigation held before the coroner; that witnesses were summoned, and efforts made by the introduction of testimony, and by general inquiries. Whether or not others went and followed the tracks, I do not know.

Question. Beyond these two investigations, you know of no effort?

Answer. That is all I know of myself.

Question. In point of fact, no one, to this day, has ever been arrested on a charge of Jasper's murder?

Answer. There was a gentleman by the name of Barker who was arrested by the military, taken out of his bed here at night, imprisoned in a cell, carried to Selma, and tried under the charge. He proved himself entirely clear of it, and was discharged. With that exception, and the jailer himself, those are the only arrests ever made. There was none made by the citizens, or by the officers of the county.

Question. The second case you mentioned is Prater?

Answer. Yes, sir.

Question. He was a white man?

Answer. Yes, sir.

Question. His victim was a negro?

Answer. Yes, sir.

Question. Prater was arrested and set at large by a mob?

Answer. Yes, sir.

Question. Were they said to be a disguised mob?

Answer. I don't know. I think they were not. I have no recollection.

Question. Did the same jailer have charge of him that had charge of Jasper?

Answer. I think not, sir. I think Mr. Eustick was the jailer when Prater was rescued. This jailer that had charge of Jasper never returned, that I have any recollection of. I don't remember to have ever seen him here. The jailer that had charge of Jasper was taken to Selma; and if he ever returned I don't know it. I don't remember to have seen him or heard of his return.

Question. Who was the jailer in charge of Prater?

Answer. I think Mr. Edward Eustick; but I am not certain. There have been several jailers here, but I think it was Edward Eustick, or, perhaps, Mr. McKnight. The jailers have been changed so frequently, I don't remember who was the jailer then.

Question. Did the jailer, so far as your knowledge or information goes, make any outcries, and call to the citizens to aid in preventing the rescue?

Answer. I do not think he did, sir. I never heard of it. It was done late at night, and the citizens knew nothing of it until next morning.

Question. Was any effort made in the morning to pursue Prater?

Answer. Perhaps I had better state that when Prater was taken they placed a guard over the jailer and kept him confined in a room until several hours after the main body had gone.

Question. They arrested the jailer?

Answer. Yes, sir.

Question. Who arrested him?

Answer. A portion of these men who took Prater out of jail. They put a guard over him and made him remain in his room until the train whistled, coming to this place. It was so stated by the jailer.

Question. Did the men take passage on the train?

Answer. No, sir; the train was coming from the other way, and the jailer—I stated it was Mr. Eustick—my best recollection now is that it was Mr. McKnight.

Question. Is he here now?

Answer. No, sir; he is dead. It was Mr. Knight, not McKnight.

Question. What connection was there between the approach of the train and the detention of the jailer?

Answer. None whatever; only the train announced to them the fact that it was nearly day—the usual hour for the train to come. The train reached here about daylight, then.

Question. How many were said to have been concerned in that rescue?

Answer. There was said to have been a large number, but I don't remember.

Question. On horseback?

Answer. They were said to have been on horseback.

Question. Armed?

Answer. The jailer so stated.

Question. Were they followed next day by the citizens?

Answer. They were not that I know of.

Question. No effort made to discover them?

Answer. Not that I know of.

Question. Was any effort made to recapture Prater?

Answer. None at all, sir.

Question. Has he ever been heard of since?

Answer. I heard—it is a mere rumor—that he died from the effects of lying confined in jail. I don't know whether it is so or not. The solicitor does not think so, for he keeps the indictment hanging over him yet. I heard that from a brother of his that came here to get possession of a pistol that Prater shot the negro with. He stated that fact here to some men.

Question. When was Prater rescued?

Answer. I don't remember, sir. The different dates can easily be ascertained. I don't remember the time; the records here will show that.

Question. Suppose an earnest and searching effort on the part of the citizens had been made early the next morning, when the rescue was known, to have followed up the rescuers, what is your opinion of their probable success?

Answer. My opinion is they would have failed.

Question. Why?

Answer. Because these men had such a start that no citizens could have overtaken them; and if they could, they were in great force sufficient to have prevented a rescue.

Question. They would necessarily have separated and gone to their different homes before daylight, would they not?

Answer. It depends on where they came from. If Prater was himself from Mississippi—it is said they were tracked out in the direction of Mississippi—and if they

came from Mississippi they would have been beyond reach, and been over the Mississippi line before morning.

Question. You have no idea that they would have ridden after daylight in a body together, have you?

Answer. I don't know whether they would or not. After they had got such a distance that they would have been unknown, and strangers, they might have done it, or might not.

Question. It was known that they came and went in a particular direction?

Answer. No, sir; it was only known by examining the horses' tracks going in that direction.

Question. Did they return in the same direction from which they came?

Answer. I don't know. The tracks were examined. There were tracks going and coming in the streets here. There were many tracks of horses, but the majority of them seemed to be going in the direction of the bridge—going towards Mississippi.

Question. Was it believed that the majority of his rescuers came from the State of Mississippi?

Answer. It was not. I don't know where they came from.

Question. Did the majority of the tracks point to Meridian?

Answer. They pointed in the direction of this bridge near here. I don't think they were followed.

Question. How far is the bridge from town?

Answer. About a mile.

Question. They were followed to the bridge and no farther?

Answer. I don't know that they were. They were examined to the edge of town.

Question. And there all curiosity subsided?

Answer. That is as far as I know; I don't know whether they were followed farther or not. The Mississippi line, you know, isn't more than fifteen miles from here, but it is farther than that in the direction of Meridian.

Question. Did you say Jasper was said to have made a confession?

Answer. Yes, sir.

Question. Was it said that he was whipped before he made that confession?

Answer. No, sir.

Question. You never heard that?

Answer. No, sir; it was said he made a confession when he was arrested. No confessions were extorted from him that I heard of.

Question. I come now to the case of Zeke High. He was reported to have made a confession, was he?

Answer. Yes, sir; Zeke High was said to have made a declaration before he was arrested—not a confession after an arrest. He made a declaration at Belmont, and it was upon that declaration, with other facts, I presume, that the indictment was found against him.

Question. No one was ever arrested for the murder of Zeke High, I understand.

Answer. No, sir.

Question. What effort was made to discover and bring to justice the men concerned in this murder?

Answer. No effort that I know of.

Question. He was, I understand, shot in the neighborhood of the house of Wash Shackleford?

Answer. Collins was shot there; Zeke High was shot close to town here; about a mile from here; by this same bridge.

Question. Was Zeke High said to have been a strong republican?

Answer. I only heard of him as a very bad negro; in fact, I never heard him mentioned at all until after the killing of Collins. I don't know that I have ever heard anything of his politics at all.

Question. Did you ever understand that he was a leading man with his people?

Answer. No, sir; I don't know that I have; I have heard Wash Schackleford was, but Zeke High I never heard of till after Collins was killed and he was arrested. I heard then that he was a very bad negro, and was with that party in the swamp.

Question. Dr. Choutteau was induced to leave here from apprehensions of his personal safety, was he not?

Answer. I think he was.

Question. Do you think his life would have been safe had he remained here?

Answer. I don't know; judging from the fact that two efforts had been made, I doubt whether his life would have been safe.

Question. Was any effort ever made to discover men who attempted to shoot him the night Coblentz was killed?

Answer. I think the sheriff made an effort.

Question. What effort?

Answer. I think he endeavored to follow the tracks.

Question. No one was ever arrested for it?

Answer. No, sir.

Question. You may state the particulars of the attack upon Dr. Choutteau's house at the time the man Coblentz was killed; how large a body of men were said to have made that raid?

Answer. It was said to have been a body of about thirty or forty men.

Question. Were they said to have been disguised?

Answer. Well, there was a mask found on the ground.

Question. A mask of a man who had been shot?

Answer. A mask of a man, and the brains of a man that had been shot, found in the passage. That is the only thing going to show that they were disguised men at all.

Question. Was Dr. Chotteau ever examined himself?

Answer. Yes, sir; I think he was.

Question. At the inquest?

Answer. I think he was.

Question. Was the matter ever brought to the notice of the grand jury?

Answer. Yes, sir; I presume so. Of course the matters of the grand juries are secret, but the solicitor of this place would have been recreant to his duty if he had not done it.

Question. Were any persons discovered?

Answer. No person.

By Mr. RICE:

Question. Was it ever found out who the man was that was killed?

Answer. No, sir. That has never been found out; at least I never heard of it. The man killed was carried off by these men, and the blood was tracked. The sheriff, getting his posse and following him, tracked him by the blood to Moscow, and perhaps into the ferry-boat there, in which they carried him into Marengo County. Moscow is about eighteen miles from here, and they followed him in that direction. They found the blood along on the road; I think it was stated by the sheriff that the blood was on the boat at the ferry.

By the CHAIRMAN:

Question. What county is Moscow in?

Answer. In this county. Marengo County is on the opposite side of the river.

Question. Where does that road on the opposite side of the river lead to?

Answer. To Jefferson, Linden, and Demopolis. It is the lower road.

Question. It is the road into Marengo County?

Answer. Yes, sir; the direct road from this county to the county-seat of Marengo County.

Question. Demopolis, or Linden?

Answer. To Linden, now the county-seat.

Question. It was conjectured that the party had come from Marengo County, that made this raid on Dr. Choutteau's house?

Answer. It is not known. I don't know what the conjectures were. None of the parties were ever found out, and it is simply conjecture that they crossed the river there. Whether they came from this county or any other county, I don't know that there was any conjecture about it, or whether all the parties went back that way; I don't know anything about it.

Question. Was Houston shot at his own house?

Answer. Yes, sir; he was shot at. I don't remember whether he was shot; he was not killed; whether he was wounded or not he was in his house when the attack was made.

Question. Was it understood to have been by a large body of men?

Answer. Yes, sir; it is understood to have been by a part of the same men who went to Dr. Choutteau's house.

Question. Was it on the same night?

Answer. Yes, sir; about the same time.

Question. What has become of Houston?

Answer. Houston was elected a member of the legislature from this county, and is now in Montgomery.

Question. Was he a member at the time?

Answer. I think he was, sir.

Question. He was elected as a republican, was he?

Answer. Yes, sir.

Question. You may state any other cases of homicide that have occurred since the surrender, in Sumter County.

Answer. There was a man by the name of Burk killed at Gainesville, close to Judge Reavis's place.

Question. What was his offense?

Answer. I don't know, sir; he was killed by armed men at night.

Question. Was he a republican?

Answer. Yes, sir.

Question. And a negro?

Answer. Yes, sir.

Question. Go on with any other cases. The committee have heard of Burk's case.

Answer. Then there was a couple of negroes killed up near Horn's Bridge, in this county. Those are the negroes I alluded to some time ago. After they were killed the negroes called us to have a meeting, and we addressed them up in their arms.

Question. What were the circumstances of the killing of these two negroes?

Answer. They were killed in the day-time about six or seven miles from here; two killed and another wounded; that is all that was known of it.

Question. By a body of men?

Answer. No, sir; it was reported that they were killed by one or two men, or may be three.

Question. Ambushed?

Answer. Yes, sir; I don't know whether they were ambushed or not; I will not say they were ambushed. They were killed, though—two of them killed on the road. It seems to me they were overtaken and killed on the road.

Question. Was any one ever arrested for their murder?

Answer. No, sir.

Question. One was wounded and escaped?

Answer. Yes, sir.

Question. What has become of him?

Answer. He is in this county somewhere, I don't know where.

Question. What was his name?

Answer. Enoch.

Question. It has never transpired who were the assailants, or what their motive was?

Answer. No, sir; not that I know of. The grand jury investigated it.

Question. How long since this occurred?

Answer. It has been about two years ago; nearly three years ago.

Question. Proceed with the list of homicides.

Answer. About twelve months ago, I think, a negro was killed in the neighborhood of Bennett's station. I don't remember his name.

Question. Under what circumstances?

Answer. He was killed at night, during the session of court here. I don't know under what circumstances he was killed.

Question. When did that occur?

Answer. About twelve months ago while the circuit court was in session here.

Question. Do you know what the cause of his killing was?

Answer. No, sir; I don't remember his name.

Question. Bennett's station is on the road from Selma to this place?

Answer. Yes, sir; it was in a settlement in that neighborhood; I don't remember the precise place.

Question. Was it done at night?

Answer. Yes, sir.

Question By a body of men?

Answer. I don't know whether by a body of men, or one. I think it was said to have been done by several men; I don't remember the number.

Question. Were they disguised?

Answer. My only knowledge is, it was made known here during court, and I think the judge instructed them to send out and have an inquest held over him. All I know about it is from the statements which were made then.

Question. The murderers have never been discovered to this day?

Answer. Never that I know. The grand jury has been investigating these cases. They may have found indictments. None have been arrested.

Question. Do you know of any other cases?

Answer. I don't remember now of any other murders.

Question. Did you ever hear of a negro being killed in July, 1870, in Billy McKree's field?

Answer. Yes, sir; that was during the Belmont riot. I heard of a negro being killed there.

Question. Was any one ever punished for it?

Answer. No, sir; I don't think it has ever been found out who did it. It was said to have been done in the day-time, and close to Mr. Billy McCree; he wasn't far off at the time.

Question. Have you heard of a negro at Sumterville having had his ears cut off, and being badly beaten?

Answer. No, sir; what is his name?

Question. I do not know the name. The case is reported to the committee as having occurred at Sumterville.

Answer. I don't remember to have heard of it. If I have I don't remember it now

Question. You think of no other cases of homicide that have occurred in this county, besides those enumerated by you?

Answer. Well, sir, how far back do you mean?

Question. Since the surrender.

Answer. Yes, sir; there was a man killed in Gainesville since the surrender—a white man named Grattan. He was assassinated by some unknown persons. He was a miller in Gainesville.

Question. When was that?

Answer. Soon after the surrender; perhaps in 1866.

Question. Assassinated at night?

Answer. Yes, sir; shot through his window and killed, and supposed to have been robbed.

Question. Do any other cases occur to you?

Answer. I don't remember of any other now. Of course, I remember some cases where the parties have been tried; for instance, a negro woman killed her husband, and I defended the negro woman on her trial; and there are some cases now on, in jail for murders, up about Warsaw and that neighborhood. I think there are some negroes in jail, too, for going and Ku-Kluxing some other negroes; I think they are in jail now.

Question. You may now state to the committee any instance within your knowledge, or of which you have reliable information, where negroes have been whipped or otherwise maltreated, not resulting in death.

Answer. Well, sir, there have been a good many; do you refer to those cases where the parties have been tried, and prosecuted to conviction and punishment?

Question. Whether tried, or not tried; I refer to all.

Answer. There are some instances, I don't remember the names, where they have been punished; whippings several years ago, and they were tried for it, and convicted and punished, and some acquitted for it. I don't remember the names. It has passed out of my mind. I stated a moment ago that after the election there was some negro overtaken on the road down here, and struck with a stick, and the party was arrested and brought up, and pleaded guilty, and was fined.

Question. I refer particularly to whippings inflicted by bands of men.

Answer. I know of but one case of that. There was a negro on Mr. White's plantation was whipped, or said to have been whipped, by a band of five or six men, and they were arrested and brought here for trial, and prosecuted by Mr. White, he employing as able counsel as he could obtain, several of them in town here, to prosecute them. I defended them on the trial. They were all acquitted and discharged, except one, who is now under bonds at this court.

Question. State to the committee the circumstances of that whipping, as they transpired.

Answer. The circumstances, as well as I remember, were that some men called at night and took, I believe, two of them out and whipped them, and he complained; complaint was made to the employer of the negro on the place, Mr. White, and he had them arrested, and three or four parties proved an *alibi* straight out and were acquitted; the other is in jail under bonds.

Question. Are they all white men?

Answer. Yes, sir.

Question. Five or six were implicated?

Answer. Yes, sir; the State nolle-prossed as to two, to make witnesses of them. That left three on trial. Two were acquitted, and the one, a young man about fifteen, or sixteen, or seventeen, or maybe twenty years old, was bound over.

Question. Did the testimony show that they went to White's plantation disguised?

Answer. Yes, sir; but the testimony also showed that the parties arrested were innocent of the charge.

Question. What was the character of the disguise that the testimony showed the assailants wore?

Answer. No disguise, except the wearing of the handkerchief over the face.

Question. No disguise over the body?

Answer. None.

Question. What was the pretext for the whipping of this negro man?

Answer. I don't remember now. I would prefer refreshing my recollection from my memorandum at my office. It was ill-will, though, against that negro—personal ill-will against the negro.

Question. On the part of whom?

Answer. For what specific act I would prefer to refresh my recollection. The evidence tended to show that the parties did it from personal ill-feeling.

By Mr. RICE:

Question. If those arrested were not the men who did it, how could they say it was done from ill-will?

Answer. That is so; the negroes on the trial stated that they recognized these men, and introduced some threats by those men on trial to whip them before, and some grounds of ill-will between these men and the negroes.

Question. If those men did it, it was from ill-will; and if those men did not do it, and some other men did do it, you do not know the cause?

Answer. Yes, sir; I am relating only what occurred on the trial. Mr. Pratt asked me what was the alleged cause of these men punishing these negroes. The cause alleged by the witnesses was personal ill-will against them; and there was the testimony of the witnesses going to show that they did it. But the justice of the peace discharged all but one, upon proof that they were not present—proof of a complete *alibi*. One of them, an old man nearly seventy, old and infirm, proved by some ladies who were up at his house that night all night, where some were sick, that he did not leave that night. The other was a young boy in the room. Of course, if it was not by them, but by others, whom I do not know, I cannot know what motives were entertained by others.

By the CHAIRMAN:

Question. Have you heard of any other instances of a negro being whipped by bodies of men at night, except the single case you have mentioned?

Answer. I don't remember now, sir, that I have. If I have, it has escaped my recollection. If you know of any instance yourself, and will refresh my recollection, I may recollect it. I don't remember any. [A pause.] Yes, sir, I remember that after the last election it was rumored that some persons from about Cuba Station, in this county, went on a Mr. McElroy's plantation and whipped some of his negroes, and the citizens were very indignant, and were for proceeding to take steps to protect them and defend them.

Question. How many negroes did you understand were whipped on McElroy's plantation?

Answer. I think, one; maybe two; I don't know.

Question. You speak of the last election?

Answer. Yes, sir.

Question. The gubernatorial election last fall?

Answer. Yes, sir.

Question. What was the pretense alleged for their whipping?

Answer. They were drunken men; and I think the names of the men who did it were known by the citizens there, and perhaps steps were taken to prosecute them; it was about being done.

Question. How many men were said to have been concerned in that whipping?

Answer. One or two, or may be more; and it was said that they whipped the negroes that had voted the democratic ticket.

Question. Because they had voted the democratic ticket?

Answer. No, sir, not on account of their political opinions at all; simply because they were drunk and had some ill-will against the negroes; that was alleged as the reason, and the citizens were disposed to protect them. There was a man down there—I can't think of his name—who was living with Mr. George Thornton, who was a soldier. I will correct my testimony on one other point. You asked me if I knew of any other murder?

Question. Yes.

Answer. There was another murder on this Mr. George Thornton's plantation. The name I don't know. This man I spoke of and some other young man down there were charged with having whipped those negroes; and the citizens were very much annoyed, and I received a letter wanting to know what steps could be taken, under the law, to get rid of these men.

Question. Do you recollect the name of the negro murdered there?

Answer. No, sir.

Question. When was that murder committed?

Answer. About a year or two years ago. It was stated at the time, though, that the negro attempted to kill the man who killed him. Mr. George Thornton, on whose place it occurred, can give the information.

Question. How many men were concerned in that?

Answer. Only one man—a young man who was living with him on Mr. Thornton's plantation.

Question. Has he ever been arrested?

Answer. No, sir; he ran away. Efforts were made to arrest him. It was done in day-light.

Question. If you recollect no other instances of violence I will proceed to ask you on other subjects.

Answer. That is all I remember.

By Mr. BLAIR:

Question. You say the man who committed this murder was a soldier?

Answer. Yes, sir; he had been a soldier from Missouri in the confederate army. He was a young man living with Mr. Geo. Thornton, and it is stated that this negro attempted to kill him, or do him some violence there on the place. He lived there. The citizens got very indignant at him. He got to drinking, and became very turbulent. I don't think he left on account of this murder. It was regarded as an act in self-defense. The precise facts I don't remember.

By the CHAIRMAN:

Question. You remember no other acts of violence now?

Answer. No, sir; not that I recollect now.

Question. What do you know of any meeting of the lawyers or ex-judges at Meridian, Mississippi, to devise ways and means to get rid of men holding office under the constitution of 1868, and elected at the time it was adopted?

Answer. I never heard of such a thing.

Question. What do you know of any meeting held at that place for any such purpose?

Answer. Nothing at all.

Question. What do you know of any consultation among the lawyers to get rid of the judges of the courts?

Answer. I never heard of it.

Question. What do you know of any fund being raised on subscription, to purchase arms and ammunition, and to pay for the hire of horses, saddles, bridles, &c., to be used by a secret organization of men whose operations were to be conducted in a clandestine manner, and which looked to the employment of violence, if necessary, to accomplish its purposes?

Answer. I never heard of such a thing.

Question. Have you any information whether any fund was ever raised, or attempted to be raised, here or elsewhere, to defray the expenses of a secret order of men organized or to be organized to correct certain grievances, or what were esteemed grievances of the community?

Answer. I never heard of any, sir.

Question. Have you any information of the existence, here or elsewhere, at present, or in the past, of a secret combination of men organized and banded together to redress what were supposed to be evils or grievances in the community?

Answer. I have not, sir; I have never heard of such a thing.

Question. Do you know of any case where a horse, saddle, bridle, pistol, or gun, or mask, or disguise of any kind was hired, borrowed, or procured for the purpose of being used in an adventure by men banded together for any secret enterprise, or where you suspected these articles, or any of them, were to be used for such purpose?

Answer. I do not, sir.

Question. Have you any information that there now exists, or has at any time existed in this community, or elsewhere, any combination or organization of men with signs and pass-words by which they recognize each other, formed for any of the following purposes: First, to drive from the country objectionable persons; second, to harass or molest persons odious for any cause; third, to punish negroes suspected of theft or other crimes; fourth, to influence negroes in voting or abstaining from voting; fifth, to promote the success of the conservative or democratic party; and sixth, to obtain for the conservative or democratic party the political control of the State, and possession of the offices?

Answer. I know nothing of anything of the kind.

Question. You have never received any intimation whatever that there has existed at any time an organization for any one of those purposes?

Answer. I never have, sir; nor do I believe there is such an organization in this county. I believe anything that has been done by organized men here was extemporized for the occasion by men governed by their own feelings at the time.

Question. You have heard of the riot at Meridian last March?

Answer. Yes, sir.

Question. Have you also heard that a considerable party of men went from Sumter County to Meridian, and participated in that riot?

Answer. I heard that a few went—not a considerable party.

Question. What part of the county were they said to have gone from?

Answer. I don't know, sir—along the line of the railroad.

Question. Did you ever hear the names of any of the party mentioned?

Answer. I have not, sir.

Question. You have heard of this Ku-Klux organization?

Answer. I have heard of it in the newspapers, sir. You mean have I heard of it?

Question. Yes, sir.

Answer. Yes, sir, I have heard of it.

Question. Have you ever heard it charged to have existed in this county?

Answer. No, sir. Well, I may have heard it charged by persons in speaking of it in the

newspapers about. I may have heard it. The radical papers frequently charge that it did exist; with that exception, I never heard it.

Question. You have no radical paper published in this county?

Answer. No, sir; but in Montgomery and Marengo County; and letters have been written to those different papers about it.

Question. Charging the existence of such an organization in this county?

Answer. I don't know that they have, but elsewhere, and perhaps in this county.

Question. Did you ever see a body of men disguised, operating after night?

Answer. Never, in my life.

Question. Did you ever see any single man disguised after the manner that the Ku-Klux are said to be disguised?

Answer. No, sir.

Question. Did you ever see the disguises themselves?

Answer. No, sir, never. I don't think I have ever seen any disguised men at all, anywhere in my life, except in circuses and theaters.

Question. Have you ever conversed with a person who knew or pretended to know the secrets of such an organization?

Answer. I have not, sir.

Question. Have you ever been approached by any person to become a member of such an organization?

Answer. Never, that I am aware of, sir. If I ever have, it was never mentioned to me so clearly that I could understand it, and I should have treated any man with insult that would approach me upon such a subject.

Question. Do you know of any secret organization in this county besides such as the Masonic order and the Odd Fellows order?

Answer. I know there used to be a Loyal League.

Question. Was that a secret organization?

Answer. I was never a member of it, sir. I presume it was.

Question. Did you ever know of any democrats being members of the Loyal League?

Answer. No, sir.

Question. Did you ever hear of such a case?

Answer. I have heard of some having changed from democrats to become members of it.

Question. Did you ever hear of any democrats pretending to be converted, and entering the Loyal League for the purpose of ascertaining its secrets?

Answer. I don't think I have. If I have, I don't remember of it. It seems to me a man named Harris, now dead, once proposed such a thing here, and I think it was said that it would not do, that it was not right for him to do it; and nothing was done. I may have heard of something of that kind; I heard such a rumor. I don't think he did so; still, I don't know anything about it. That is the only instance. It was in reference to a Loyal League in existence in this county, or said to have been.

Question. Where did it hold its meetings?

Answer. Over the house Captain Herr now occupies, and then over the store now kept by Mr. Emmanuel, and I believe over the store now occupied by the bakery-man, Reed.

Question. Were the meetings held in day-time or night?

Answer. I think both at night and day-time.

Question. Did you ever hear of any violence committed by them?

Answer. I heard a great deal of apprehensions felt at their meetings, and I have heard that violence had been threatened.

Question. It was very easy to ascertain, if they held meetings in town, everything that took place in those meetings, was it not?

Answer. It might not be difficult, or there might be means of doing it.

Question. The negroes did not pretend to conceal what transpired in the League, did they?

Answer. Yes, sir; I never heard of one revealing it.

Question. You know nothing, yourself, about the constitution of the order, or its objects?

Answer. No, sir; only what I have seen published in the newspapers.

By Mr. RICE:

Question. Did I understand you correctly, at the commencement of your testimony, as stating that there had been no obstruction to any execution of the law in this county?

Answer. None that I know of, sir.

Question. Do you not regard the taking of men out of jail by a mob as an obstruction to the law?

Answer. In one sense you might consider it in that way, but not in that sense in which I answered the question. I understood the question to mean, by obstruction of

the law, anything to prevent the officers from carrying out the law—disobeying the mandates of the court.

Question. Did not this prevent the sheriff from having the prisoners before the court when the time arrived for producing them?

Answer. Of course it did; but the question presented me was different. I understood the question to be, had there been obstruction to law, as that the sheriff had been obstructed in bringing the man into court. That would have been an obstruction. Of course, the taking of that man out of jail was a violation of law, but not an obstruction of law; it was a great wrong.

Question. Had he been rescued from the hands of the sheriff at the place of arrest, would that have been an obstruction?

Answer. It would be quibbling upon words to discuss that, and it would be useless to enter upon hair-splitting arguments. I did not understand the question as you did, or as you explain it. I mean that the judges could come here and hold courts, and the officers could enforce the mandates of the court; that I know of no obstruction to that: that the sheriff could levy upon the property of people and put it on the block and sell it. Murder may be committed, and, in your sense of the word, that would be an obstruction of the law. I do not mean to say that murder could not be committed in this county, or theft; but simply that the citizens of this county, whether they like the officers or not; whether they believe that they are properly here or not; whether they approve of their being placed over us or not, will obey the law until the law is repealed, and will aid its judicial officers in enforcing the law.

Question. Were you engaged in the last canvass?

Answer. I was, at the governor's election.

Question. Had the republicans candidates in the field for the legislature?

Answer. They had, but they did not speak in the county, did not canvass the county.

Question. Do you know why?

Answer. I do not, sir. One of the candidates was George Houston, who is in Montgomery; he was not here. Another one was Mr. Gilmore, in the lower end of the county, who had moved over from Choctaw County. I don't remember the third.

Question. What has become of the former members of the legislature? There were three from this county, were there not?

Answer. Yes, sir; Ben. Inge was a member. He sickened and died in the neighborhood of Belmont. A man named Taylor was in his place there; I think he is living there yet; I don't know whether he is dead or not. A man named Burk was a member, and he was killed, as I have stated. And George Houston is at Montgomery.

Question. Two out of the three former members had been assaulted, one killed and the other wounded by bodies of men, had they not?

Answer. Yes, sir; one killed and the other assaulted. He remained here for some time after he was assaulted; I don't know how long.

Question. Would you have regarded an open, fearless canvass by the republicans as entirely safe in the election last year?

Answer. Entirely; I would have used every effort in my power, if he had gone with me, to have protected him, provided, however, that he conducted it as a man should have conducted a canvass.

Question. You would be the judge instead of him?

Answer. Yes, sir. Let me explain myself. I do not desire to be misunderstood.

Question. Yes, sir.

Answer. If you, sir, or these gentlemen came to conduct it in your own manner, you would have conducted it as gentlemen should have conducted a canvass. Governor Parsons, Mr. Warner, and Governor Smith did address the people. But if a man had come here and conducted the canvass by having the lives and the property of our people jeopardized; if he had taught the freedmen that it was their duty to assassinate and destroy, then I would not have said that man would have been safe, because some men would have had a difficulty with him; some men would have insulted him upon the stand. That is what I mean.

By the CHAIRMAN:

Question. Was not Governor Parsons, in fact, insulted at the time he spoke here last fall?

Answer. I don't think he was.

Question. Was he interrupted?

Answer. He was; I don't think he was insulted.

Question. What kind of interruption?

Answer. By questions from persons, which is very common. I have been interrupted myself, repeatedly.

Question. Was Major Hays your candidate for Congress here?

Answer. No, sir; he did not come.

Question. Was that because he thought his life would be in danger?

Answer. I can't tell what he thought; but if he had come in the county, published

his appointments, and addressed the people, the citizens and everybody would have done all they could to have prevented any injury. That is my opinion.

Question. Have you not heard that that was the reason why he declined to come here; that he apprehended that his person would not be safe from violence?

Answer. I have heard that he had threatened to come here with armed men, and that dispatches were received that he had encouraged them to come armed, to attend a public meeting. That was threatening to our people; and if he had come in that manner I do not think it would have been safe for him to have done so. But if he had come as any citizen should come, under the protection of the laws as a man should come, Mr. Hays or anybody else could come here.

By Mr. RICE:

Question. Do you think the colored people of this county regard it as being as safe to vote the republican ticket, as it is to either not vote at all, or to vote the democratic ticket?

Answer. I don't know what they think; but, judging by what they do, and my conversation, my opinion was, that they thought it perfectly safe for them to vote the republican ticket; but they thought it to their best interests to vote with the people with whom they had been raised and lived; for it was not a question of safety at all, but a question of voting down lawlessness and disorder—a question of protection, to life, limb, and liberty, white and black alike. We claimed that we would protect them; that the officers in charge of them were inefficient, and did not protect them as they ought to have done it.

Question. They had no fear of violence from the republicans, had they?

Answer. I do not know, sir. I do not know that they had any fear from republicans or democrats either, because outrages occur from men irrespective of party, out of the badness of men's hearts. We were in favor of protection, and told them on the stump everywhere we would protect them, let them vote in any manner they saw proper, and we wanted the laws enforced. We passed resolutions which are now on file here, declaring that we wanted peace, quiet, and order, and proclaimed it from the stump everywhere.

Question. Were not all the obstructions to and violations of law in regard to rescues, against the negroes, and by and in favor of white men, in this county; were not the taking out of jail and hanging or shooting of men, or the taking out and releasing, all in favor of the white race, as against the negroes?

Answer. No, sir; I don't think that that had anything to do with it. I think these executions, the taking out and hanging of men, grew out of the anger of the parties for the particular acts with which they were charged.

Question. The negro who was taken out for killing Collins, was not taken out for some nine months after the offense?

Answer. I think it was at least nine months.

Question. You think the anger still existed?

Answer. I think it did against that negro. I don't know any other cause.

Question. How as to the release of Prater?

Answer. The release of Prater, I think, grew out of the fact that he had been a long time incarcerated without a trial and without bail, and I think it grew out of another fact—that brings me back to another question which I forgot to answer when it was put. A man named Bryan Richardson, a very good citizen of this county, was stabbed by a negro; he has been mutilated and maimed for life by assault with intent to commit murder. It is supposed that the man was egged on to do that by the influence of Choutteau or by the influence of Choutteau's friends. This negro was in jail, and he and Prater made their escape before this out of jail—before this man was taken out. Prater was recaptured; it was close to town here; but this other one, the negro boy, escaped. Now, it may have been that these parties, finding that the other one had escaped, and Prater being in jail there, confined a long time and his health affected very much—for I had made a motion on account of his health to have him put in another part of the jail—this might have influenced the men to have done it. But I can't tell the motives that influenced it. If I could, I could tell the very men themselves. It is all conjecture to me; I state it as conjecture.

Question. Do you think if he had killed a respectable white democrat he would have been just as likely to be released?

Answer. I think so, sir. I don't see what would hinder his particular friends from taking him for one cause as well as another from the jail. Here I will state that when he was put in the jail, and for a long time after he was put in there, armed men, said to have been sent by the League, guarded that jail without authority of law for it, and kept him there till they got tired of it and ceased; and he staid in a long time after that. All parties wanted him tried—everybody here; the negroes wanted him tried, because they wanted him executed; I wanted him tried, because I was his counsel and believed I could acquit him, and didn't believe there was any danger in trying him. And another thing all of us here regret, and have regretted all the time—all the

citizens living here and identified with the country, with our families here—regret and deprecate any annoyances of this kind and any violations of law, because the laws are our only protection; we deprecate anything of the kind. We wanted him to stay for his trial, and to acquit him if he was innocent, and convict him if guilty.

Question. Where was this man Price from?

Answer. I have stated that I knew nothing about Price's origin except from rumor. It is rumored that he is a penitentiary convict, pardoned by Governor Shorter from Wetumpka, that he served a short time in the confederate army, deserted to the Federal Army, and after the surrender came here.

Question. These were rumors?

Answer. Yes, sir, mere rumors; but the rumor came in such shape in regard to his being a penitentiary convict that I have no doubt of it. It could be easily ascertained by the register of the penitentiary.

By the CHAIRMAN:

Question. Didn't he make himself distasteful by becoming a teacher of a colored school?

Answer. I cannot say that he did by the simple fact of being a teacher of a colored school; the citizens desired that the negroes should be taught.

By Mr. RICE:

Question. When did they hear of these reports against him, about his being in the penitentiary?

Answer. Not until he had gone; not until after he had left.

Question. Then the odium that attached to him while here did not grow out of that?

Answer. No, sir; because nobody knew of it. It grew out of the fact that they believed him to be the instrument of difficulty and bitterness on the part of the colored people to the white people; and he had such control over them that, if he had desired it at any moment, a torch could have been put to every house in the town and a knife to every throat; and the citizens did not believe he was too good to do it.

Question. Did he stand pretty well till he became a radical?

Answer. This is rumor again. I did not know him personally; I don't know that I ever spoke to him in my life. The first time I ever heard of him was after these difficulties took place up in Sumterville; and then I heard of this rumor I have stated, of a proposition on his part to poison the freedmen.

Question. You never heard of it till after he had become a radical?

Answer. I never heard of him at all until after he became a radical that I remember. Sumterville is in a part of the county that I don't think I have ever been to, or only once or twice in my life; and he rarely came here. He had no professional business to bring him here—to me, at least.

Question. Do not all negroes that become prominent radicals become odious in the minds of the community here?

Answer. The most bitter and vindictive speech that I ever heard from a negro, and the best and most effective one, was made by a boy named Sam Wall, who lived at my house at the time; had been living with me during the war; has lived with me since, and is now living with me, on my place. He made one of the most bitter speeches I ever heard, and it was an effective speech, too; one calculated to arouse the prejudices of the black man against the white man. In other respects he was a good boy, and faithful to me. His wife I had owned and raised from a little child. When the streets were full of slaves leaving their owners, urged on to leave them by the persons that came by here after the surrender, stating to them that they would be slaves if they did not, this negro remained with me, and she is at my house now. She has been faithful and true to me and my family, and she has been prized and protected by me; and she is the wife of this negro man. I mention this circumstance to show you that although he made that speech here that boy was repected, because there was nothing against him except his politics.

Question. Did you ever hear any republican, white or colored man, make a speech arraying the whites against the colored, other than in a political way?

Answer. I don't think I ever heard a speech myself arraying the whites again the blacks, or the blacks against whites, simply for that purpose alone. These incendiary speeches I mention as having been made I did not hear.

Question. They are mere reports?

Answer. Yes, sir; mere reports, but well authenticated.

Question. Do you regard a speech that appeals to the prejudices of one political party against the other as incendiary?

Answer. By no means; by no means; because that is done every day.

Question. Did these speeches go further than that as reported?

Answer. Yes, sir; the speeches I have alluded to were not made upon the stand; not public speeches, unless, perhaps, one, said to have been by Mr. Price, at the spring; I did not hear it. That was made to the men of color. There are few white men down

there; but the incendiary remarks about the torch, &c., made by Houston and Price, were in conversations around.

Question. Were these incendiary speeches you speak of made by Houston in any other sense than that if this violence was not stopped they would take the matter in their own hands and resent by counter-means of the same sort?

Answer. That is the only way in which I heard it stated; I stated that fact before, but his manner was menacing at the time I alluded to, particularly when I heard him up in this meeting here. We had been sent for by them in order to consult with them, and co-operate with them, and arrest these men, and prosecute them by the law. Now, we were aiding them, and we assured them we would aid them to the best of our ability. We were men they had known and had confidence in or they would not have sent for us, and in a threatening manner he spoke to us when co-operating with them, so much so that we inferred that he would burn us out for what others had done.

Question. What is the disposition of the colored people—to be aggressive and violent or submissive?

Answer. To be submissive. I don't think their disposition is aggressive. There are some few bad ones, but they could be easily operated on.

Question. What is their general inclination as to voting—republican or democratic? Which party have they the most confidence in as being friends of their race?

Answer. If I judge by the last election——

Question. I am asking you for your general judgment.

Answer. I was going to say I can only base my general judgment upon the results of the last election. I think before that they had been taught to believe that the republican party were their best friends, because they had freed them; and that we who had once owned them were not their friends.

Question. Politically?

Answer. Politically, or friends at all, personal or political. But after the last canvass here, after our addressing them, I think they changed over, and they look to us as friends; and now all through the streets, and everywhere, when you talk with them, their conversation is that they regard us as their best friends, because, as Sid Porter said in one of his best speeches, that he got all his money from us, that we employed him, and he looked to us for his support.

Question. At the outset of the republican party here, where did they naturally fall—at the opening of reconstruction?

Answer. I can't answer where they naturally fell, because artificial means were used to turn them from us.

Question. Efforts were made?

Answer. Yes, sir; efforts were made, and they were led by those efforts to vote against democrats.

Question. Up to the last election has there not been a canvass on both sides of the question in this county?

Answer. No, sir; up to the last canvass I don't think that the democrats canvassed the county. I think they felt that there was no use in talking to them, that the carpet-baggers and these floating-in fellows could so control them that it was useless to make an effort, and a great many men thought it was best not to make an effort at all at the last canvass; but the younger men believed that an active canvass and setting this matter fully and fairly before them would result in a change of their voting; and I think the change grew out of that fact. Before that there had been some speeches made, but not much—not an active canvass like the last canvass.

Question. Do you believe that if there had been a full and fair canvass by both parties last fall the result would have been as it was?

Answer. I do; and I base my opinion upon the fact, which Governor Parsons, Governor Smith, and Senator Warner here stated to them, without a single democrat saying a word. After they had made their speeches to the colored people the colored people themselves called a meeting and sent for us to come up and hear them. They were dissatisfied with the manner in which these men spoke to them; and this is in the language again of Sid Porter; they said if the white people were a superior race they wanted to go with the superior race.

Question. Was there a general turn-out here of the colored people at that meeting, or a very limited one?

Answer. I stated I thought it was from one hundred and sixty to two hundred.

Question. But comparatively?

Answer. Comparatively it was a small attendance.

Question. Quite small?

Answer. Quite small.

Question. Were they not mostly of a class of men that had already been led to your side of the question?

Answer. No, sir; they came from all parts of the county.

By Mr. BLAIR:

Question. They came in to hear these men?

Answer. Yes, sir; came to hear the speaking. Most of them were strangers.

Question. Did they come in to the radical meeting?

Answer. Yes, sir; the radical speaking took place from the door of this court-house—the west door. They stood all around there. They had the stand in the middle, and Governor Smith spoke first, then Senator Warner, and then Governor Parsons, I believe; and the colored people crowded all around them—close up to them.

By the CHAIRMAN:

Question. Did you ever hear that the notices of the meeting were torn down?

Answer. No, sir; I never heard of it.

By Mr. RICE:

Question. Did you ever hear of any efforts made to induce them to stay at home and attend to their business?

Answer. Never, sir. Do you mean prior to that meeting?

Question. Yes, sir; prior to that meeting.

Answer. I never heard of it.

Question. Or at other times?

Answer. I never heard of it.

Question. Has there been any effort to keep them from attending republican meetings?

Answer. Not that I am aware of. I think there was an effort made by the Loyal League to prevent them from attending to hear us. It was so rumored; if there was anything of the kind, I don't know it.

Question. Was there any effort made in the town with them to keep them from hearing or attending?

Answer. None that I know of, sir.

Question. No violent men in the streets?

Answer. There were upon that occasion, as upon every public occasion, some men who got drunk that day in the streets.

Question. And making threats that these men should not be heard?

Answer. I never heard of that. They were heard, and men here were endeavoring to control the drunken men and to make them be quiet, but there was nothing to prevent the negroes from hearing them. But drunken men are disorderly at all times, and particularly here, are disorderly at times.

Question. And they were making disorder then?

Answer. There were some few disorderly that day; I don't know that there was any disorder at the meeting; I was present myself at the outskirts. The disorderly men, I think, were about the groceries; they may have come up there, some of them, drunk.

Question. In your opinion, then, there is no fear on the part of the negroes in assembling at radical meetings, and in attending elections and voting the radical ticket?

Answer. I think not.

Question. And has not been?

Answer. I can't say, sir, that there has been; I don't believe that there has been. They certainly would have been protected by the citizens.

Question. But I am speaking of the impression made on their minds.

Answer. That I can't tell; I can't tell what impression would have been made on negroes who came from, perhaps, thirty or forty miles.

Question. I want to get an idea of the public opinion prevailing among them as to their safety.

Answer. I have never heard one state that it was unsafe for him to go. On the contrary, they have generally attended meetings largely, and, judging by their acts, I don't think they were afraid.

By the CHAIRMAN:

Question. Do I understand you to say there has been no difficulty whatever in executing the laws here by the courts?

Answer. I say I know of none, sir.

Question. You think that the judgments and orders of the courts are respected and obeyed?

Answer. I think so, sir. I know of nothing to the contrary.

Question. As much respected and obeyed as though the judge's place was occupied by a man of different politics?

Answer. They will be obeyed, sir, but not as much respected. The officers that have been placed over the citizens here the citizens believe have been improperly placed over them; and they think that if they were high-toned, honorable men they would not hold their positions, forced upon people as they are here; but as far as obedience to their commands and respect to their position are concerned, it is done as fully as to our own officers.

Question. That is the point I wished your opinion upon.

Answer. Yes, sir; but as for respect for the men, outside of their official position, they have not got it. I speak for myself—I have not. I judge others by myself. I

will explain myself upon that. I treat the officer with the utmost courtesy upon the bench, let him be who he may, and let him come from where he will; but I cannot respect the man, as a man, who fills that position when he knows that the people of another State—Massachusetts or your own State, sir—would feel exactly as we feel if they were placed over them. While we obey the law and the man as an officer, and treat him with respect, that feeling we would have for a different man—a man of honor and high tone—we cannot entertain toward him. It is out of the question. It is just the difference between the feeling we have for a man of honor and that we have for one whom we believe is not a man of honor and high tone.

Question. At the same time your juries, grand and petty, and your sheriffs, have all discharged their functions in the same manner as if the offices were filled with men wholly acceptable to the people?

Answer. Yes, sir; I think so.

Question. You speak of being well acquainted in Choctaw County?

Answer. Yes, sir.

Question. Have you any information that the mill of your circuit judge, and his fences, and, perhaps, other property, have been destroyed by incendiaries?

Answer. I have heard, sir, that his mill was burned, and I have heard that his fence was burned; that his mill was burned by an incendiary, or incendiaries. Whether his fence was burned by accident or design I don't know.

Question. When did this destruction of his property occur?

Answer. It occurred during the last year.

Question. Eighteen hundred and seventy?

Answer. Yes, sir; I think in 1870. I am not certain of the dates of this transaction; but that is my best recollection now.

Question. Hitherto you have spoken only of the homicides committed in Sumter County. State what knowledge you have of homicides committed by men banded together in Choctaw County.

Answer. I have stated in my testimony all that I know of Choctaw; that was the one or two at De Sotoville.

Question. Those are the only instances of which you have any knowledge or information?

Answer. Yes, sir. I don't know, except from simple rumor, that they were by banded men.

Question. Have you ever heard of men in disguise parading in that county?

Answer. No, sir.

Question. You may state what knowledge or information you have of homicides in the county of Greene, in which you practice occasionally.

Answer. In the county of Greene, sir, at a place called Burton Hill, last year, or perhaps the year before, some negroes committed burglary and murder and arson on a clerk, similar to the murder committed in this county on this man Binn. Some twelve or fifteen were arrested and put in jail, and some of them are on trial now, or will be next week.

Question. Were any homicides committed?

Answer. The man was killed—homicide, arson, and burglary.

Question. Have the persons suspected been killed?

Answer. No, sir; they have not been killed. They are under arrest, awaiting trial.

Question. Have you heard of any whipping of men by men in disguise?

Answer. I have not. You asked me the general question as to killing. I have heard of the killing of the man Boyd you have heard of before and had testimony upon.

Question. Yes, sir.

Answer. I have heard of that, and I heard of the killing of some men before the killing of Boyd—where, perhaps, some negroes killed some old man and robbed him; the names I have forgotten. It was some time prior to the killing of Boyd. That is all that I know of in Greene County.

Question. Did you say you were a native of North Carolina?

Answer. Born in Raleigh, North Carolina.

Question. Did you take any part in the late civil war?

Answer. I did, sir.

Question. Were you in the confederate army?

Answer. I was in the State troops until the close—from August, 1864, until the surrender, and was on duty in Mobile.

Question. What rank did you hold?

Answer. The rank of major.

Question. You have always been a democrat?

Answer. I have always been a democrat.

Question. Did you take a leading part in the politics of this county?

Answer. I was too obscure a man to take a leading part. I have endeavored to do my proportion all through.

Question. Are there any aspirations on the part of any members of the bar of this county to occupy Judge Smith's place?

Answer. None that I know of, sir. My brother, Judge Cobbs, of this place, was displaced by General Swayne. He was himself appointed by Governor Parsons judge of the same circuit, and he was elected by the people, and was removed by General Swayne.

Question. On what ground?

Answer. On the ground, I suppose, that he was a democrat.

Question. Don't you know any other ground—no other alleged?

Answer. No other alleged, sir.

Question. What cause did the order issued by General Swayne assign for your brother's removal?

Answer. I think it was a general order removing the different officers, sir. I do not know that it was a special order removing him. A good many were removed.

By Mr. RICE:

Question. Was he not disqualified under the reconstruction acts from holding office?

Answer. He was not, sir.

By Mr. BUCKLEY:

Question. Did he not continue in office until the constitution went into effect?

Answer. I think not. I think he was ordered to suspend; that is my recollection; I may be mistaken.

Question. In what year; do you recollect?

Answer. I don't remember the year. I have a memorandum and can refer to it; but I don't remember now. It was previous to the election, though, sir, I think.

Question. Previous to the reconstruction acts?

The WITNESS. When were they passed?

The CHAIRMAN. In March, 1867; and the last one in July or September, 1867.

Answer. Yes, sir.

Question. Who was the immediate predecessor of Judge Smith?

Answer. Judge Cobbs was the immediate predecessor of Judge Smith.

Question. Did he continue in office until the taking of office by Judge Smith?

Answer. No, sir; I think there was a vacancy; that is my recollection now. But he is here and can give accurate information. It is a matter that impressed him more than me.

By the CHAIRMAN:

Question. Was there any feeling on the part of members of the bar of this county against him for his filling the office he did, of your brother, under the circumstances?

Answer. I don't know that there was any feeling, any further than I have already stated to you. There was no animosity or ill-will against him. They did not have the confidence in him they would have had otherwise.

Question. Do you know of any resolutions passed by members of the bar requesting him to resign?

Answer. No, sir; there were resolutions passed by the democratic convention of this county requesting him to resign.

Question. Had any of the lawyers any part in getting up those resolutions?

Answer. I think not.

Question. Who prompted that resolution?

Answer. I think Dr. Sledge was the member of the convention that moved it.

Question. You think it was not done by the privity or authority of any of the members of the bar?

Answer. No, sir; some of them may have known they were going to introduce it. They stated the reason for it in the resolutions themselves.

By Mr. RICE:

Question. Is Judge Smith a pretty good man as a man and lawyer? Is he respected?

Answer. I know very little of him as a man; I know nothing against him as a man.

Question. The circumstances under which he went into office make him objectionable?

Answer. Yes, sir; make him objectionable to a certain extent, but not to an extent sufficient to impair his authority.

Question. But to the extent that there are objections?

Answer. Perhaps I had better state more fully; when he first went into office, he conducted himself with remarkable courtesy to the members of the bar and to everybody, and notwithstanding they did not approve of the mode in which he was made judge, they treated him with great courtesy and kindness, and members of the bar invited him to their houses. He after that took part in politics, and made some expressions that were calculated to wound the people. After that they didn't have that same feeling toward him; they thought then he was acting with two faces, if I may use the expression.

Question. As a judge, has he ever been a partisan judge?

Answer. As a judge, I can't say he has ever done anything wrong intentionally. He is not an able man; he is a plausible man; he is not a man of legal learning, cannot be, because he has not practiced; the time he has been on the bench has not been sufficient—you will understand me, as I believe you are a professional man yourself—not sufficient to educate him; he was a planter before, and all that he knows of law is perhaps learned since he has been on the bench; but his manner has been polite to members of the bar, and they have treated him with courtesy and politeness. I have throughout, and shall always do so as long as he is on the bench, and off of the bench, unless he gives me personal cause, and will do all I can to sustain his orders and decrees. I mention only my opinion, which, I believe, is the opinion of all the members of the bar. Whether I respect the man and have confidence in him is another thing.

Question. I was going to ask whether that courtesy was the result of duty or feeling?

Answer. It is the result of duty that I owe to myself, and duty to him holding the position that he does. I don't know how to express it in clearer language.

By Mr. BLAIR:

Question. The question has been asked of almost all the witnesses who have appeared here, in reference to those men upon whom the outrages have been committed, if they had been prominent citizens, of high social standing, would not great efforts have been made to discover those who had maltreated them? Is not that true in regard to every community?

Answer. It is, sir.

Question. That where respectable and prominent citizens of high character have been made the victims of murderous assault, there is more excitement in the community than there is in reference to an ordinary man?

Answer. Always so, sir.

Question. Or a man of low character?

Answer. Always so, sir.

Question. Upon the principle that there should be more sympathy felt for the death of such a man as Daniel Webster than for an ordinary man, not of any use to the community? Is not that true in regard to every community in this country?

Answer. I think so.

Question. Would it not be true of Indiana, in your judgment, as well as in Alabama?

Answer. I think so, sir. I think it is an instinct growing out of the hearts of men. The hearts of men can be governed by impulses of that kind everywhere.

Question. That men who are obscure, and who are of bad character when they fall victims in this way, do not excite as much sympathy by their death as more prominent men under similar circumstances, and there are not such efforts made anywhere to pursue and bring their assailants to justice?

Answer. I think not, sir.

Question. In reference to this Loyal League, is it not a matter of universal belief that the members of that organization take an oath to support the radical candidates, and that the negroes are afraid of incurring a penalty if they vote against the radical ticket?

Answer. Yes, sir; that is the belief.

Question. Have you not heard them say that they would like to vote with the democrats, but that they had taken an oath to vote with the League?

Answer. I don't remember that I have had any conversation of that kind, but I have heard that others have had such conversations, and that statement, I think, had been made to them.

Question. I understand you to say that no efforts were made before the last election—no concerted effort—to obtain the negro vote by the democrats?

Answer. Yes, sir.

Question. But at that election there was?

Answer. At that election there was.

Question. And that many of the negroes addressed the people of their color in favor of the democratic ticket?

Answer. They did so, in different parts of the county.

Question. Questions have been asked about the alarm and apprehension which the negroes felt in going to radical meetings; was not that, to a very great extent, inculcated by the radical leaders themselves, who invited them to come here with arms in their hands?

Answer. Yes, sir; I think so, from the fact of their coming with arms in their hands to attend meeting.

Question. What did they say, when they would come with arms in their hands, and were expostulated with?

Answer. That they had been instructed to come.

Question. Ordered to come?

Answer. Yes, sir; ordered to come in that way.

Question. If they felt any apprehension at all in meeting together, it was as much from the instruction and suggestion of their leaders as from anything that had ever occurred to them in these public meetings?

Answer. I think so, sir.

Question. Or any violence offered to them when they had met together?

Answer. I think so, sir. There was no violence offered to them in coming that I ever heard of; and they came voluntarily with their arms to these meetings, and sometimes in a menacing and threatening manner.

Question. On one occasion, did they not come into town and attempt, as you have described, an injury to negroes who had differed from them in their outcries?

Answer. Yes, sir.

Question. No other offense?

Answer. No other offense that I ever heard of; that was the cause alleged at the time by them.

By Mr. RICE:

Question. Did you ever hear of their being instructed to carry arms for any other purpose than defense?

Answer. I have heard of their being instructed to go to their meetings with arms, without stating anything about defense; that they were ordered to come with their arms; that was the expression.

By Mr. BLAIR:

Question. Was it not clearly the interest of these radical leaders, who rode into office on the shoulders of these negroes, to keep up the bad feeling between the negroes and the white people?

Answer. It was, sir. They could not have kept them under their control. Without it they would soon have returned and voted with their old owners.

Question. Without destroying their confidence in the white people of the country, and making them believe that they alone were their friends?

Answer. Yes, sir.

Question. And that is the system by which they have maintained themselves in power?

Answer. Yes, sir; that is the system.

By Mr. RICE:

Question. Was there ever any general bad feeling here between the whites and blacks, except political? Have they not always been friendly personally?

Answer. Yes, sir; and I do not think there has been any political bad feeling, except that inculcated by these leaders, making them come in a threatening, menacing manner. That, of course, would irritate, and produce on the part of the citizens a disposition to defend themselves, but not to injure the negroes. The bad feeling, then, was not against the negroes so much as against those who had used them and driven them to it.

Question. They never have driven them to any aggressive acts of violence?

Answer. No, sir.

Question. It was mere conjecture?

Answer. Only their coming in a threatening manner on the streets, with guns, in parties, and running after these negroes to mob them, and their insulting manner toward the whites. All these were evidences of the effect of that teaching upon them. They made no attack.

By Mr. BLAIR:

Question. Did those congregations of the blacks with arms inspire the whites with apprehensions?

Answer. They did. They felt it necessary to be on their guard. In further answer to Mr. Rice's question, I will say one hundred armed men came from Gainesville, under the orders, it was said, of this man Burk, who was killed; and some were said to have been started from the neighborhood of Greene County, coming armed, supposed to have been urged by Mr. Hayes. At different parts of the river, along the river, armed men were got together, with an expression that they were coming to Livingston. When they did get near Livingston, they came close by and camped. That is in answer to your question as to coming armed.

By Mr. RICE:

Question. They were coming here to a called meeting?

Answer. Yes, sir; to a county convention.

Question. Did they commit any depredations of any sort?

Answer. No, sir; they did not come into town—not many of them.

Question. Were they not met by a band of white men, and assaulted and shot?

Answer. No, sir; not that I know of. Most of the white men here armed, ready to

defend themselves. It was reported that they were advancing on this place, armed, at that time, and some of them marched out to meet them. I don't know how far they went; I was not with them.

By Mr. BLAIR:

Question. Did you ever hear that on that occasion the white men who went out shot or injured any of the negroes in any way?

Answer. No, sir. I heard it rumored, perhaps, that some of them were shot; but I never heard who. Certainly none were killed. No reports were made of it. There were different rumors of it on the streets.

By Mr. RICE:

Question. If the white men were so apprehensive of violence on the part of the negroes, when during all the years since the war they had committed no violence, is it not very natural that the negroes should be apprehensive of violence on the part of the whites, when there have been so many whippings and murders committed in the county?

The WITNESS. Will you repeat your question?

Question. If the white men were so apprehensive of violence on the part of the negroes, when there had been so little violence committed by the negroes since the close of the war to the present time, is it at all strange that the negroes should be very apprehensive of violence on the part of the white men, when so many of the negroes have been whipped and killed since the war by white men?

Answer. It may be so; but the white men have never made any demonstration armed—gone off and assailed the negroes; they have only acted it in defense.

Question. Have there not been armed bodies of men going to the houses of negroes and killing them, which you have yourself proven here?

Answer. Yes, if you allude to that; but you are speaking of one thing, and I of another.

Question. But I am speaking of what would tend to cause apprehension.

Answer. It is natural for them to be afraid where armed men have come to kill them; natural that they should be afraid that they were in danger; but it is natural also for them to believe that the white people will sustain them whenever they know it, and protect them as far as they can. They have been assured from the stump and elsewhere that that would be the case. Of course, it is natural that they should be alarmed at times, particularly if they have been guilty of any wanton, bad misconduct.

By the CHAIRMAN:

Question. You have spoken of the white leaders of the negroes who are republicans. I beg you to state to the committee what is the number of these white leaders that have exercised such a pernicious influence over the negroes.

Answer. I think I have stated all that I know in this county.

Question. How many white republicans are there in this county at this time?

Answer. I don't know the number, sir.

Question. Are there half a dozen?

Answer. I think there are, but I don't know the number.

Question. Is it quite safe and profitable for a white man to openly and boldly advocate republican doctrine in this county at this time?

Answer. I think it is. Judge Abrams has been doing it here all the time. He has been known to be a republican; and I have lately had a visitor, a republican, that staid at my house.

Question. Judge Abrams is a citizen of the South, is he not?

Answer. Yes, sir.

Question. He has lived here many years?

Answer. Yes, sir.

Question. Lived here during all the war?

Answer. Yes, sir; and during the war was a Union man, advocating his Union doctrines.

Question. Was he not very much denounced for it?

Answer. By some, sir, he was, but never injured by anybody.

Question. Was he not threatened?

Answer. I don't know that he was, sir. I never have heard of his being threatened.

Question. Did you never hear of his receiving Ku-Klux letters?

Answer. I may have done so; but if I have, it has escaped my recollection.

By Mr. BLAIR:

Question. Speaking of Ku-Klux visits, do you know of a recent affair that the judge imagined to be a Ku-Klux visit, when you were called out to assist him in case of Ku-Kluxing?

Answer. Yes, sir.

Question. What was it?

Answer. Two men came to see him to get a marriage license, and his folks were alarmed and closed the door, and one of the members of his family came over for me, stating that Judge Abrams was in danger, and to go to aid him. It alarmed my wife very much, and I could not get away from her. I stated to the person that informed me of the fact that I had no idea of such a thing as that; and as soon as I could get away from my wife, I went by to get my brother to go with me to go down to see him. I went down there and found nobody there, and returned home. Next morning I found it was two men who had come to get marriage licenses, or get Judge Abrams to go to his office and get them; they got them, and were married a few days afterward.

By Mr. RICE:

Question. That proved that he is apprehensive of danger?

Answer. O yes, sir, if you ask me if he is apprehensive; he is so. I thought you asked me as to the justness of the apprehension.

Question. I am asking you as to the fact.

Answer. As far as I know, I think they are apprehensive.

By the CHAIRMAN:

Question. Did you learn that those men were drunk at the time, and that they had pistols, and displayed them at his door, and sought to force an entrance into his house?

Answer. I did; and I heard them during the time halloo out these words: "You damn radical. If a negro was to come here secretly to have a conversation with you, damn you, you would open the door and let him come in; but to a gentleman that comes to see you on business, you won't let him come in." That is the substance.

Question. Did you ascertain that they were drunken, ruffianly men?

Answer. I ascertained that they were drunken men, but not ruffianly. They are said to be men of good character.

Question. Where did they live?

Answer. One of them in Greene County. I don't know whether the other did or not.

Question. Why did they come to this county to get marriage licenses?

Answer. They could not get them elsewhere.

Question. Is the lady living in this county?

Answer. I suppose so. The law requires it to be in the county the lady lives in.

Question. Did you learn how long they lingered about the door, and sought to force an entrance, and looked into the windows?

Answer. I did not learn. I do not remember. I learned that they did that, endeavored to get in, and hallooed out the words I have stated. I don't think they remained very long, because as quick as I could get away from my wife, who was in wretched health, and very much alarmed, I went immediately to my brother to get him to go with me, and they were then gone. It could not have been, altogether, half an hour.

By Mr. RICE:

Question. Did they not get the license until next morning?

Answer. They got it that night, I understood.

By the CHAIRMAN:

Question. Did Judge Abrams grant it?

Answer. Yes, sir. They came down town and saw some men—Captain Jones and, maybe, Mr. Parker and Mr. Ennis—and they went back up there and told him what these men wanted, and Judge Abrams came down with Captain Jones and Mr. Ennis, and then Judge Abrams issued the marriage license that night.

Question. Why should they have displayed their pistols on that occasion, if that was their only purpose?

Answer. It is impossible to tell what a man will do when drunk.

Question. You think the family had just cause of apprehension?

Answer. I do. I think this, if the doors had been opened immediately when they came, I do not think they would have had any cause of apprehension, because I think they would have told their business and gone down and got their license; I think so from the character of the men.

Question. Were you not informed that the men refused to enter the house, and demanded that Judge Abrams should come out of doors and meet them?

Answer. No, sir; on the contrary, I was informed that they were out of doors and wanted to come in the house, and the door was slammed upon them, and mashed the hand of one of them, which made him curse so.

LIVINGSTON, ALABAMA, *October* 31, 1871.

ROBERT FULLERLOVE (colored) sworn and examined.

By the CHAIRMAN:

Question. State where you live?

Answer. Choctaw County, Alabama.

Question. How long have you lived in that county?

Answer. I have been principally raised there. I have been living there and just the other side of the river since I was about fourteen years old.

Question. When did you leave there to come to Livingston?

Answer. I left there Monday about 10 o'clock.

Question. Yesterday about 10 o'clock?

Answer. Yes, sir.

Question. Had you any subpœna with you to testify before this committee?

Answer. No, sir; what do you mean?

Question. I mean had you any paper with you?

Answer. No, sir; I left the paper I had. A young gentleman took it away from me.

Question. Who took it away from you?

Answer. The men that arrested me last night.

Question. Were you arrested on your way here?

Answer. Yes, sir.

Question. Last night?

Answer. Yes, sir; about 4 o'clock.

Question. Four o'clock this morning, or yesterday afternoon?

Answer. Four o'clock this morning, before day.

Question. Where were you arrested?

Answer. Four miles this side of Black's Bluff.

Question. How far from Livingston?

Answer. I don't know; but where I staid last night was twenty-two miles to this place—Livingston; eighteen miles from Black's Bluff, here.

Question. Who arrested you this morning at 4 o'clock?

Answer. A gentleman named Charlie Brau and a gentleman by the name of Morris Dunn.

Question. Were you in bed at the time?

Answer. No, sir; I was coming along the road.

Question. On foot or on horseback?

Answer. On a horse.

Question. What did they say they arrested you for?

Answer. Because I was coming to fetch a letter.

Question. Had they followed you?

Answer. Yes, sir; they followed me about four miles from Black's Bluff.

Question. Who were you carrying a letter to?

Answer. I told them I didn't know who I was going to carry it to. I first told them I was going to York station. I would not tell them where I was going. They asked me, and I said to York station. They said, "What for?" I said, "To carry a letter, but who to I don't know." They said they would make me tell. I told them I could not tell them, because I could not tell who the gentleman was that sent the letter, and I had to carry it back. They said, "Who did you get it from?" I told them a colored man gave it to me. "What did he tell you?" I said, "To carry it to York station," but I didn't tell them where I was going. They said, "Where is the letter?" I told him I had it in my pocket. He says, "Let me see it." I handed it to him and he took it and read it. He took it out of that envelope and read it.

Question. Did he open the envelope?

Answer. No, sir; I opened it myself, before they got to me; and the letter was in there. [Witness produces the envelope.]

Question. Who was the letter from?

Answer. It was from here.

Question. The subpœna?

Answer. Yes, sir.

Question. Was it a paper calling for witnesses to come here?

Answer. Yes, sir.

Question. Did they take it from you?

Answer. Yes, sir.

Question. What did they do with it?

Answer. Put it in their pocket. They handed that envelope back to me. I begged them off from their killing me. They punished me a great deal. They knocked me down with a gun and skinned my hand; knocked me and took my stirrup-leather, which had a buckle on the end, and broke off about a half of the strap, the end that had the buckle to it, and they whipped me with it.

Question. What did they say they were whipping you for?

Answer. They said I was a radical.

Question. The paper they took away from you was inclosed in this envelope?

Answer. Yes, sir.

Question. Can you read?

Answer. Not much; I can read print a little, sir.

[The examination of this witness was here suspended for a few moments, and Mr. Wm. H. Maguire, deputy sergeant-at-arms of the Senate of the United States, was examined. His testimony follows at the end of that of this witness.]

ROBERT FULLERLOVE recalled.

By the CHAIRMAN:

Question. How did these young men know you had this paper?

Answer. I told them, in the first place, when I came to the house at Black's Bluff. I had got lost. I was in a strange land. I found four or five strange gentlemen there, white people. I didn't know them. I said, "Can you tell me the road from here to York station?" One of them says, then, "Go back and go that road four miles, and when you come to the first right-hand road take it, and it goes to York station." One gentleman, I knew his voice when he spoke, was in the house. He said, "Who is that?" The gentleman I was inquiring of says, "I don't know." This gentleman says, "Is that John Downer?" I says, "Yes." "What are you going to York station for?" I says, "To carry a letter." "Who for?" "For Mr. Gilmore." So I said to them, "I'll go on." They rode up to me, and before I thought of a thing about it, one on each side, they grabbed me, and both guns were put right in there, and he says, "Who's this?" I said, "It's Bob." "Weren't you at Black's Bluff to-night?" I says, "I don't know. I was at a house; I don't know whether it was Black's Bluff or not;" and he hauled away, then, with his gun and knocked me off the mule; and he says, "You are the very scoundrel who was at Black's Bluff." I had said I was somewheres, I didn't know where. He says, "Now, I want that letter you are carrying for Mr. Gilmore." I says, "I have it in my pocket." He says, "Hand it here." I took the letter—the envelope—and handed it to him. He says, "There is no letter in this." I says, "It is." I fetched it out and handed it back. I took the envelope and held on to it. He says, "Wait till I read." After I gave him that, he couldn't make that out, and took this envelope; and after he took this envelope, he rolled it up as it is now and put it in his pocket; and says he, "God damn you, you shan't carry a letter for Gilmore, or anybody else. I would kill you, if you were the last nigger in God Almighty's world."

Question. Who said that?

Answer. Both these men. "I would kill you if it was the last thing God Almighty let me do. Run down that hill." Says I, "Gentlemen, I will not run to be killed. If you want to kill me, kill me. I will stand and receive it like a man. I will not run." Then, after they concluded—for I begged off and they didn't kill me—they concluded to whip me; and I says, "You can whip me if you want to;" and one of them drawed back his gun and hit at me, and I fended it off with that hand; and the tother cocked his gun, and said, "Did you fend that lick?" I said, "Yes, of course." He said, "You don't fend another." He run his gun in my side, and pushed me down; and the other cotched my pantaloons and jerked them off, and got on me; and the other got the stirrup, or the leather of the stirrup, and they knocked the skin off of my hand, and they beat me scandalous with it. My hand is swelled up, you see, [exhibiting his hand.]

Question. How did you get the envelope?

Answer. He give it to me. He said, "You take this letter;" it was rolled up just as it is now; "carry it to York station, and get some gentleman to read it. Don't you give it to any God damned radical, and if you do, Bob, I will kill you, just as sure as you live." I said, "Gentlemen"—I acknowledge anything, I do; I am going to tell the truth about it—"I am going to carry it where I was told to." They couldn't read a word of it. I said to myself, "I would carry it where I was ordered to carry it."

Question. State whether they kept the paper which they took out of that envelope.

Answer. Yes, sir; they have got it.

Question. Was that the same paper which was in that envelope when it was first handed to you?

Answer. Yes, sir; it is the same one.

Question. Was that paper a subpœna for you to come here and testify before this committee?

Answer. Yes, sir; it was.

Question. Now, give the names of these persons, and where each of them lived, that molested you.

Answer. Charley Bran lives in the neighborhood of Pelham.

Question. In what county?

Answer. In Choctaw. Dunn lives between Williams's Cross Roads and Tompkins-

ville, about one mile and a half from Williams's Cross Roads, or about one mile from Williams's Cross Roads. His name is Morris Dunn.

Question. Did you know them well?

Answer. Yes, sir; I know them well. I knew him when he spoke, before he come out of the house, when he said, "Who's that?" This was the one that spoke.

Question. What were they doing at that hour?

Answer. I couldn't tell. They were all in there, and by a little light-wood fire; they appeared to be all easy.

By Mr. RICE:

Question. Were they up when you got there?

Answer. Yes, sir; two or three at the doors.

By the CHAIRMAN:

Question. Was that before daylight?

Answer. Yes, sir; about 4 o'clock. There was a horse hitched right at the door, with his head in the door, and a gun set there, and one set there, [illustrating.]

Question. How many blows did they strike you?

Answer. I don't know; a good many of them.

Question. Did they strip your pants down?

Answer. Yes, sir.

Question. Did they inflict those blows on your naked flesh?

Answer. Yes, sir.

By Mr. RICE:

Question. How far did you come from home before you got to that house?

Answer. About eighteen miles.

By Mr. BUCKLEY:

Question. Did they break the stirrup-leather?

Answer. Yes, sir; they broke it in two. I had the piece; here is the buckle now. [Producing a buckle.] They whipped me until they broke off a piece of the stirrup-leather about a foot long; and then they took a pair of new kid-skin gloves from me, too.

By the CHAIRMAN:

Question. Did they keep them?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did they say anything to you about taking your money?

Answer. Yes, sir. He said, "Have you got any money?" I said, "Yes, I have $3; you can have it if you want it; I will give you every cent I have; I have only $3."

By the CHAIRMAN:

Question. Did they take it?

Answer. No, sir, they didn't take it.

Question. Did they tell you not to come to Livingston?

Answer. No, sir; they didn't know I was coming to Livingston. They couldn't make out the subpœna where I was coming to.

Question. They could not read the writing?

Answer. No, sir, they could not.

Question. You may state to the committee, now, whether you have ever been whipped or otherwise injured by bands of men in disguise since you have been living in Choctaw County.

Answer. Not before.

Question. You have never been interfered with before?

Answer. Yes, sir; I have been interfered with twice.

Question. Go on and tell the committee how you have been interfered with.

Answer. It was by the same class of men, I reckon, that came to my house and shot in there—that was the first time.

Question. When was that?

Answer. That was last February, if I am not mistaken.

Question. How many men came to your house?

Answer. There were seven in the bunch.

Question. Was it in the night-time?

Answer. Yes, sir.

Question. How late at night?

Answer. I think about 12 o'clock, as nigh as I can come to it.

Question. Were they disguised?

Answer. Not a bit.

Question. Did you know them?

Answer. I knew two of them.
Question. They fired into your house?
Answer. Yes, sir.
Question. Did they try to get into your house?
Answer. No, sir; they came to the gate and fired into my house with a double-barreled gun.
Question. How long did they stay?
Answer. No longer than, I suppose, than the gun shot.
Question. Was it fired in the window?
Answer. Yes, sir; they aimed to; they didn't hit the window; they fired into the facing a little piece.
Question. Did they shoot in the direction of your bed?
Answer. No, sir; at the fire-place.
Question. Did they say anything to you?
Answer. Not a word.
Question. You did not know what they came and fired for?
Answer. No, sir. And April 27th, I think, they came there again.
Question. The same men?
Answer. I don't know; the same sort of men. I don't know that it was the same men exactly.
Question. How long after the first time?
Answer. The first time was in February, if I don't mistake. The next time was April 25th or 28th, I think. I don't know the time exactly.
Question. What did they do the second time?
Answer. They came and shot fifteen balls into my house, and set it afire. They shot twice at my wife, and fifteen balls in the wall of the house, right through the window and door. They had the house surrounded, and the house is burned now to show to anybody up stairs. The blaze extended up stairs. My wife hallooed for life and for mercy, and made all the alarm she could. They had the house surrounded, and set it afire, and they shot until the house was in a blaze nearly to the roof; a large place is burnt—is there to show now, and every ball is there to show, sticking in the house. They shot my son in the room where he was staying, and cut his pantaloons in two right across the top part of his thigh, and my wife was in the room with him. The balls are there in the wall now. Not one is picked out.
Question. How did you put the fire out?
Answer. My wife came out and put it out.
Question. After they left?
Answer. No, sir; they were there; and she begged them and made all the apologies she could in the world not to burn her and her children in the house alive. They cursed her and rebuked her for everything. That was all they could do. She hallooed to alarm the country, but nobody could get there. She hallooed and cried when she saw the house burning up, and she said, "If you want to kill me, kill me," and she took a bucket of water. They aimed two balls at me, and one stuck in the sill and another in the wall. By that time somebody else hallooed, and they run off, and she got the house and saved it, and her two children also.
Question. Were they disguised?
Answer. No, sir.
Question. Were they on horseback?
Answer. They come on foot, but left their horses about a hundred yards above the house.
Question. What did they say they came for?
Answer. They never said nothing.
Question. What language did they use?
Answer. All kinds of language. They said they were going to kill her, and kill every God-damned one of us.
Question. Did they say what for?
Answer. No, sir, nothing.
Question. Was your boy hit?
Answer. No, sir; his flesh was not cut. In his pantaloons, where he was standing, the ball glanced through and cut it loose about six inches, and burned it a little.
Question. Was your wife hit?
Answer. No, sir.
Question. How many were in your family at the time?
Answer. There was myself, my wife, and two boys, and my son's wife; that made five of us.
Question. On whose plantation was this?
Answer. It was at my place.
Question. Do you own land there?
Answer. Yes, sir.
Question. Do you know any of the men concerned in this second attack?

Answer. No, sir; I can't say that I do.

Question. Did you ever track them to ascertain where they came from?

Answer. We tracked them out west, and that is the way they always come. That is about all we can do.

Question. How far did you track them?

Answer. We tracked them, I suppose, about a mile.

Question. What has ever been done with them for these attacks?

Answer. Nothing at all.

Question. Did you make complaint to anybody of your bad usage?

Answer. I never made any complaint at all, because I saw it was not necessary.

Question. Why; did you think you would not obtain any redress?

Answer. Well, they would say they would give it to the grand jury.

Question. Were there any white people living near you?

Answer. Yes, sir; Mr. Williams was living in about three hundred yards west of my house.

Question. Did he hear the firing?

Answer. Yes, sir; he would have went out if it hadn't been for his wife. She said he might get killed, and prevented him.

Question. How many shots were fired this second time, from first to last?

Answer. I can't tell. All can be counted except one. Well, all can be counted, because the one that went on the floor, the sign is there, and the rest is sticking in the logs.

Question. How many marks are in the logs?

Answer. I can't recollect exactly.

Question. Have you been molested since?

Answer. Not until last night. They have made several threats, but I never have moved out of the way, no way at all, because I knew I wasn't guilty of anything.

Question. What kinds of threats were made?

Answer. They said they were going to kill me and skin me.

Question. Who told you that?

Answer. That was the report.

Question. Who told you that?

Answer. White men told me that, and told me to leave there. They pretended to be my friends. I told them I wouldn't leave; I wasn't guilty of any bad acts; I was at home and would stay there, and if they wanted to kill me they could.

Question. How much land do you own there?

Answer. Four hundred acres; but now I never expect to set my foot on it no more.

Question. Why not?

Answer. Well, I can't; I have been there, and I have been imposed on. I have been pestered and sleeping out of doors instead of sleeping in the house; I have a good house, but is it any use for me to go in it, but not go to bed?

Question. How long have you lived out of doors?

Answer. Ever since April, except once; since about the 25th of April.

Question. Where did you go at night?

Answer. Under the house, and down by the garden palings, and around the cribs, and in the corner of the fences; me in one place and my children in another. What is the use of a man trying to live in this world in that condition?

Question. What do you suppose is the cause of this conduct of these white men toward you?

Answer. I can't tell; really, I can't tell.

Question. Has anybody ever told you what the cause was?

Answer. I have heard a cause, but whether it is so, I can't say. They say it is on account of this radical party, and they said they wanted to kill me, and would do it; that I was of great influence among the colored people; that I influenced their votes; but I never did.

Question. You never attempted to influence them?

Answer. No, sir; I never attempted to influence no man since we have had the privilege.

Question. Have you been in the habit of voting the radical ticket?

Answer. Yes, sir; all the time.

Question. Were you ever molested or interfered with when you went to vote?

Answer. No, sir, not at all.

Question. Did any of the democrats ever try to get you to vote the democratic ticket?

Answer. O, yes, sir; that has been a common thing.

Question. What did they say to you?

Answer. They said that was right; if I would vote, vote the democratic ticket; we would be all as one person, our people and all, live together, and be sociable and agreeable.

Question. Did they say they would protect you if you would vote the democratic ticket?

Answer. Yes, sir, in any way.

Question. Did they tell you this after your house had been attacked in the way you described?

Answer. Yes, sir.

Question. That if you would vote the democratic ticket they would protect you in every way?

Answer. They told me after my house was attacked the last time, if I would come over to the democratic side, they would stop this and it would save my life; and if I didn't do it, I would be a dead man. These very men came over the words last night.

Question. What did they say last night of your being a radical?

Answer. Says he, "Old Peter Robinson," that is an old citizen down there, "and Colonel James has saved your life—getting you to promise never to vote the radical ticket." I says, "I have not voted one since." Says he, "Are you going to vote one?" I told him, "No." He says, "What will you vote?" I says, "I reckon I'll vote the democratic ticket." He asked, "Would you vote the democratic ticket?" I told him, "I reckoned I would." He said that wouldn't do, but I had to come out broad with it; and if I didn't he would kill me in spite of hell; and if he ever knowed me to have a radical letter in the world, they intended to kill me if it cost their lives.

Question. What is the business of Dunn and Bran?

Answer. Mr. Bran's mother has a farm. Dunn has a little farm—none but himself, his father and mother; they are very old people, and he farms for a living.

Question. Do they employ colored help?

Answer. Dunn is not able. Bran is sort of able to employ colored help.

Question. Are they drinking young men?

Answer. When they can get it, they are.

Question. Do you know of any other colored people that have been whipped or shot, or their houses fired into?

Answer. I know of, I believe, as many as four that has been killed; but none have been whipped.

Question. State the names of the persons killed.

Answer. Mike Dunn.

Question. When was he killed?

Answer. It has been, I think, since about the 1st of October. I don't remember exactly the date.

Question. This year?

Answer. Yes, sir.

Question. Where was he killed?

Answer. In the neighborhood of Campbell's road, or Mr. Campbell's plantation.

Question. At night?

Answer. Yes, sir.

Question. How many went to kill him?

Answer. There were seven there.

Question. Was he a man of family?

Answer. Yes, sir.

Question. Did they visit his cabin?

Answer. Not at all, as I know of.

Question. I mean did they take him out of his house?

Answer. Yes, sir, took him out of his bed.

Question. Were they disguised?

Answer. I think they were, from what I can learn.

Question. Where did they take him to?

Answer. They took him out right opposite, right before the house, about a hundred yards, and killed him.

Question. Shot him, or hung him?

Answer. They shot him and cut his throat.

Question. What had they against him?

Answer. I can't learn.

Question. Has any one ever been taken up or prosecuted for the killing of Dunn?

Answer. None at all. Abe Lyons.

Question. Tell us about his case.

Answer. He was taken out and shot and his throat cut.

Question. The committee have heard about his case. Pass on to the next one.

Answer. Thomas Rogers.

Question. When was he killed?

Answer. In June.

Question. Was he a man of family?

Answer. Yes, sir.

Question. Was he killed at his own house?

Answer. Yes, sir, in his own house, jumping out of the window.
Question. How many men were concerned in killing him?
Answer. I think there were four, sir.
Question. Were they disguised?
Answer. Yes, sir; they were somewhat disguised, so I learn. Isam Ezell.
Question. When was he killed?
Answer. He was killed in September, I think, if I am not mistaken in the time.
Question. At his house?
Answer. Yes, sir; he was killed in his house.
Question. Shot?
Answer. Yes, sir.
Question. How many were concerned in his murder?
Answer. I think there were four, from what I learned. These are not all, but I can't recollect the others' names.
Question. If you know or have heard of any other killing, although you don't remember the names of the persons, you may state the circumstances to the committee.
Answer. There was one killed here about a month ago. It has not been a month ago. I can't recollect his name.
Question. Where was he killed?
Answer. He was killed in the neighborhood of De Sotoville, Choctaw County.
Question. In the night-time?
Answer. Yes, sir.
Question. At his house?
Answer. Yes, sir.
Question. How many men were concerned in killing him?
Answer. I don't remember. I never learned how many were concerned in that.
Question. Did you understand that they were disguised?
Answer. Not at all, sir.
Question. Any other case you have heard of?
Answer. No, sir, I believe not.
Question. Do you know of any negro schools being broken up?
Answer. I can't really say, sir; we don't have any.
Question. No negro schools in the county, so far as you know?
Answer. No, sir.
Question. Have any school-houses been burned?
Answer. Yes, sir.
Question. How many?
Answer. There was two.
Question. Where?
Answer. One at Tompkinsville and one up here at Ward's settlement.
Question. Did you understand how they were burned up?
Answer. No, sir, not particularly.
Question. When were they burned?
Answer. Ours was burned in the night, and the other in the day-time. Ours was burned last February, and the other one, in Ward's beat, I think, was burned up in April.
Question. Do you know of any colored churches interfered with?
Answer. Yes, sir, there have been two burned—one in our section and one up in Ward's section.
Question. Were they burned in the night-time or day-time?
Answer. Ours was burned in the night. I don't know what time Ward's was burned.
Question. Were those churches distinct from the school-houses you have been speaking of?
Answer. Ours was not.
Question. Was it a church and school-house?
Answer. Yes, sir. It was built for a school-house, purposely, and we held meetings in there, but it was not a church.
Question. Was the other also a church as well as school-house?
Answer. I can't tell you.
Question. Have you heard of any colored people being whipped in Choctaw County?
Answer. None but the last man they killed about a month ago. They whipped him awful bad, and then killed him.
Question. Have you heard of any attack being made to prevent colored people from voting the radical ticket?
Answer. None—not particularly; but I heard this much, that we should not vote it.
Question. Who did you hear that from?
Answer. From several sources; that we could not be as brave in voting the republican ticket at the next election as we have already been.
Question. Who said that; the democrats?
Answer. Yes, sir.

By Mr. BLAIR:

Question. What democrat; who was it said it?

Answer. I don't remember in particular. They were all in argument, going on just like people will when they get to drinking. I was in their presence; it hasn't been two weeks ago, where they were together. They were making remarks about the radical party—that they were going to kill it out, dead out, and that we could not have the privilege of voting the radical ticket as well as we had always had been doing.

Question. You do not remember anybody in particular who said that?

Answer. I don't give it in as true evidence, if it should go in that way, but that is the way it came up—talking.

Question. You don't know the parties talking?

Answer. Yes, sir; I was acquainted with all of them. If I had paid strict attention, if I had thought such a thing as this would have been called up, I would have paid attention.

Question. You don't remember who it was?

Answer. No, sir; not particular.

By Mr. BUCKLEY:

Question. Were you in the house the night the attack was made, and the house set on fire?

Answer. No, sir; I was not in the house that night.

Question. Were you lying out?

Answer. No, sir; I was at Mobile that night the house was set afire.

By Mr. RICE:

Question. Your own house?

Answer. Yes, sir; I was not there, but we have had a hundred witnesses—people to go and look at it, and everything is right there to look at. Any gentlemen can take it upon himself to see. You can see from the road, where it was burned. If you, too, was close, you could count every ball in that side, in the window and in the floor.

By Mr. BUCKLEY:

Question. You say you are not going back?

Answer. No, sir; I can't.

Question. What are you going to do with your crop?

Answer. I will do something with it; I don't know what.

Question. How much property have you?

Answer. I have four hundred acres of land. I have about twenty head of cattle, little and big. I have an ox-team, and in the lot of cattle there are seven milk cows under growth; with the oxen, I reckon there is over twenty; I don't know exactly; I never paid attention to the number.

Question. What else have you?

Answer. I have corn, and fodder, and hogs.

Question. Have you any cotton?

Answer. Yes, sir; but my cotton is for this year previous; we didn't plant but little cotton this year. We had a very fine crop planted, and was going over it, when this last raid happened at my house; but my children were about to leave me, and I lost my crop. It was over a month and a half before I could get them back to the field, and at last the principal part of my crop got lost. I had to go with the boys like they were little babies—they had had such a narrow escape. They would not stay in the field. I have lost my crop entirely—pretty much; and it isn't worth while, gentlemen, for me to stay. I am a hard-working man, and I love what I have worked and earned, but I declare I can't stay with no satisfaction. It isn't worth while.

By Mr. BUCKLEY:

Question. Where do you think of going to?

Answer. I don't know where. I had a notion of going to Kansas, if I could make the riffle and get there. If I could aid myself enough, and go right away, I would go to Kansas.

Question. Do the other colored people down there feel as you do?

Answer. I believe all the people in the neighborhood are fixing to go.

Question. Are they afraid to stay there?

Answer. Yes, sir; there is no peace in the neighborhood—no, not a bit. They can't stay in peace. There is another family of people have land there also, as well as I have, and they are fixing now as hard as they can to get off; and as to my part, now since this thing last night, I never expect to put my foot on my premises again. When these people find I have been up here, they will kill me, if they have to waylay around the crack of the fences, or in the bush, to do it.

Question. You are afraid now, having testified, to go back, after having stated what you have stated here?

Answer. No; that don't make me afraid. I don't go away to go back; and then after meeting that difficulty last night, a dozen people got that subpœna; they couldn't make it out, but they have now got it all over the county, all over the country every way. They couldn't do any more then with it than I could; but if I go home to-night or to-morrow, or next day, when they hear I am at home I may lie out, but I can't go to my shop; some of the men will be shooting at me, killing me for what? for my rights.

By Mr. BLAIR:

Question. What neighborhood do you live in?
Answer. Tompkinsville.
Question. Do you live in the town of Tompkinsville?
Answer. One mile from Tompkinsville, right on the Mississippi road, west of Tompkinsville—the first plantation.
Question. You say you know some of the party who made the first attack on your house?
Answer. Yes, sir.
Question. Who were they?
Answer. Jim Thornton was one, Tommy Crout was another.
Question. Who was the other?
Answer. George Fluker; he lives in Sumter.
Question. Where does Thornton live?
Answer. Thornton? I really can't tell whether he lives in Sumter or Choctaw. It is in Pelham beat. He has been teaching a school. I think he is keeping a store now. Whether it is in Sumter or Choctaw, I can't tell. It is near the line, and I don't remember where the line runs. It makes a near division there somewhere.
Question. Where does Tommy Crout live?
Answer. He lives close to Morris Dunn, right on the big Mississippi road; you may say one mile this side of Morris Dunn's.
Question. On the same road you live on?
Answer. Yes, sir; we all live on the same road.
Question. How far from you?
Answer. About seven miles from me, where Crout lives.
Question. Toward Mississippi?
Answer. Yes, sir. I would not be a bit surprised when I hear from my family again, if the house is burned up, or the corn-crib, just on account of this subpœna.

By Mr. RICE:

Question. Was this man Gilmore, you said you had a letter to, a radical?
Answer. Yes, sir.
Question. A known radical?
Answer. Yes, sir.

By Mr. BUCKLEY:

Question. He used to live in Choctaw, did he not?
Answer. Yes, sir; he used to live there.

By the CHAIRMAN:

Question. How do they speak about the radicals up in Choctaw County?
Answer. Very rough. Last April court they couldn't carry on court for the democrats. They shot in the house and shot through the house or probate office, and the judge shut the door, and they shot twice, I think, against the door. In the evening, just before court adjourned, they raised a great row, and the judge sent out and commanded peace. Nobody could do nothing. Nobody knew who it was, and it was never stopped; and next morning the jury list was called, and they were all summoned and went in, and he adjourned court, and there has been no court there since, and they say they shan't have none until they have it to their own satisfaction.
Question. Have you ever held any office?
Answer. No, sir; none at all.
Question. Have you been a candidate for office in that county?
Answer. No, sir, not at all; for nothing at all—nothing more than my legal vote.
Question. Are there many white radicals living in Choctaw County?
Answer. You can't find them. If you were there, they may tell you; but they wouldn't tell anybody else. There is mighty few of them.

By Mr. BLAIR:

Question. Were you in town when the court adjourned?
Answer. Yes, sir; I was on the petty jury.

By the CHAIRMAN:

Question. Did you go before the grand jury and tell of these raids upon your house?

Answer. I had an affidavit made, and certified it.
Question. Was any notice ever taken of it—anybody ever arrested?
Answer. Not a one.

By Mr. BLAIR:

Question. Whom did you make the affidavit before?
Answer. Before Wesley Johnson, the squire.
Question. You were never summoned before the grand jury? You went up and complained?
Answer. Yes, sir.
Question. But were never summoned there?
Answer. No, sir.
Question. Has there been any grand jury since this attack on your house?
Answer. No, sir.
Question. No grand jury has sat since then?
Answer. No, sir; not a word said.

By Mr. BUCKLEY:

Question. There has been a grand jury, has there not?
Answer. They tried to have one, but they adjourned court again. I suppose the grand jury had a session among themselves; but there was no judge.

By Mr. BLAIR:

Question. You say Wesley Johnson is a squire?
Answer. Yes, sir.
Question. Did he issue any warrants for the parties?
Answer. He did.
Question. Bring them up before him?
Answer. No, sir; he never fetched any one at all.
Question. Were any arrested?
Answer. They never arrested none.
Question. Did you make the affidavit against Thornton and Tommy Crout and George Fluker?
Answer. Yes, sir.
Question. Those are the parties you made the affidavit against?
Answer. Yes, sir; that is as far as I went?
Question. Where does Johnson live; in Tomkinsville?
Answer. No, sir; he lives this side of Tomkinsville, about six miles right south of this place.
Question. Six miles north of Tomkinsville?
Answer. Yes, sir; he lives six miles north of Tomkinsville.

By Mr. BUCKLEY:

Question. Do you fear for the safety of your family when you are away?
Answer. I have been. I have never left home before, since, till I had to come here.

By the CHAIRMAN:

Question. Do you know whether you were in Sumter County or in Choctaw County at the time you were beaten this morning?
Answer. I was in Sumter.

By Mr. BLAIR:

Question. Where was the place you first saw these young men?
Answer. Black's Bluff.
Question. That is the other side of the Tombigbee?
Answer. It is on this side.
Question. Just as you cross the river?
Answer. No, sir; I was coming up the river. The road sets about as far from the — the house sets east of the road, and the river the other side.
Question. How far is Black's Bluff east of here?
Answer. I can't tell exactly; about fourteen or fifteen miles; it may be a little farther than that.
Question. Where do these men, Charlie Bran and Morris Dunn, live?
Answer. Charlie Bran lives in the neighborhood of Pelham.
Question. In Choctaw County?
Answer. Yes, sir.
Question. And the other man?
Answer. He lives right on the big Mississippi road, seven miles from Tomkinsville, right west of Tomkinsville; right on the big Mississippi road.
Question. Did you see any other persons with them there last night?
Answer. It appeared like there were three or four. I couldn't tell how many there

were. I saw, I know, two out of doors, and from the talk it looked like there was three or four in the house, apparently.

Question. They were all awake, and talking were they?

Answer. Yes, sir.

Question. Only these two men followed you?

Answer. Just these two followed me, that I saw.

Question. Neither of them could read the letter?

Answer. They could not read it. They read a little of the print. They say, "I see here where you are commanded; what is that to do, sir?" I told them I didn't know. He says, "Yes, you do know;" and I said I didn't. He says, "You tell a lie," and you know I did know sure enough. I had got a gentleman to read it for me, and I was on my way here then, to get here in peace, as I ought to have done.

By Mr. RICE:

Question. Was it then daylight?

Answer. No, sir; it was about 4 o'clock. I staid a good ways from here, and I wanted to get here in time. The subpœna called me here at 10 o'clock.

By Mr. BUCKLEY:

Question. Ten o'clock to-day?

Answer. Yes, sir.

By Mr. BLAIR:

Question. They could not read?

Answer. If they could they made a mighty bad out of it. If they could have read it they could have told where I was going to, but I wouldn't tell 'em; though they beat me unmercifully, I wouldn't tell. If they had the paper in their hands and could not read it, I wouldn't tell 'em. If they had shot me I wouldn't have told 'em.

Question. Was it dark? Was that the reason they could not read it?

Answer. Yes, sir; it was dark. The moon gave light. They had a light then; they had a good light; and that was all I could ever hear them say, "I see that you are commanded," and that was about as much as they could make out.

By Mr. BUCKLEY:

Question. Did they have a torch-light?

Answer. Yes, sir; they had matches. They always carry matches with them, and just as they kill a man they build a fire right on him.

By Mr. BLAIR:

Question. Is that the reason they carry the matches?

Answer. I reckon so; they use them that way.

Question. How do you know? Did you ever see them use them that way?

Answer. I never saw them do it; but I heard when they killed Mike Dunn, they struck a match and built a fire on him, and it seems very reasonable for men to use them in that way.

Question. How many men were engaged in the killing of Abe Lyon?

Answer. I couldn't tell you, sir, exactly how many. They never were known. It is said that there were sixty men. They shot forty-six balls through him, and cut his head off nearly.

Question. You were not at home on the 22d of April, the second time they came?

Answer. No, sir.

Question. Did you not recognize any?

Answer. No, sir.

Question. Your wife did not?

Answer. My boys did. There was a couple of Irishmen; they got them, and started to jail with them, and they got away from them.

Question. Two Irishmen were caught?

Answer. Yes, sir. They convicted them there, in Tompkinsville, before the squire.

Question. Before what squire?

Answer. Squire Canon Johnson.

Question. Your children recognized them?

Answer. Yes, sir.

Question. They didn't recognize any others?

Answer. No, sir, they didn't know any others.

Question. What were their names?

Answer. I don't remember their names; I never heard their names called.

Question. Were any of these men disguised that were there the second time?

Answer. No, sir, I understand not.

Question. Of those men who came to your house in February, how many were there?

Answer. There were seven.

Question. You only knew three of them?

Answer. Only three of them.
Question. You saw the others?
Answer. Yes, sir, I met them right in the road.
Question. In disguise?
Answer. Not at all, sir.
Question. You are pretty certain about the three?
Answer. Yes, sir, I am certain of the three.
Question. You say these people always came from toward the west?
Answer. Always came from toward the west. Sunday night before last———
Question. What is the name of your neighbor Williams?
Answer. Billy Williams.
Question. He lives adjoining you?
Answer. Yes, sir.

By Mr. RICE:

Question. What were you going to say about Sunday night before last?
Answer. They came in a parcel there then. We didn't know where they did come from. They never did any damage. The boys followed them up pretty close. They lay out there at night, you know. That was Sunday night before last. They came to the house, and when they were getting over the fence, some of them saw them before they got over the fence. They had whistled, and there was one outside, and they went a little farther down, and some of them hallooed before they got over the fence; and they got out of the way. We saw them on their horses. We headed them on the big road, and they took right across the woods, and I don't know where they went to.

By Mr. BLAIR:

Question. Were they in disguise?
Answer. No, sir.
Question. Did you know them?
Answer. I didn't know any one of them. The moon shone, but you couldn't see exactly who they were. And we didn't see who they were. They had their guns. That was Sunday night—last Sunday week.

By Mr. RICE:

Question. Do you say they are out every night?
Answer. No, sir; the colored people are out all the time; but they are not out every night; we don't know when they come.
Question. You are out on the watch?
Answer. Yes, sir; out on the watch, and we have done got tired of it. It's coming cold weather now, and I tell you we can't stand it another winter.

By Mr. BLAIR:

Question. You say that the democrats there told you if you would vote the democratic ticket, they would protect you?
Answer. Yes, sir; they did.
Question. Who told you so?
Answer. Old Colonel James and old man Robinson said if we would all turn in and all vote the democratic ticket we would be protected, and there would be no more shooting; they could stop it; and we could lie in our houses and sleep, and kick up our heels as much as we please; but I tell you it looks like it comes mighty slow.
Question. When did they tell you so?
Answer. It was along—I signed the democratic—I don't know what you may call—something or other; he wrote a card, and told me if I would sign that card the Ku-Klux would let me alone. I signed the card. I never touched the pen, but he touched the pen; he did it for me, and told me to go home and sleep as much as I pleased; and I haven't slept yet, and it don't look like there was much protection. And I have never voted one, and I never expect to. I am going to leave. If I can't live honest and just and right here, I am going where I can, if I go naked in the world.

By Mr. BLAIR:

Question. Where do Colonel James and Peter Robinson live—in Tomkinsville?
Answer. No, sir; Colonel James lived about three miles from Tomkinsville, and Mr. Robinson about a mile and a half from Pelham, on the south side of the direct road from Pelham down to Tomkinsville.
Question. Mr. Robinson is near Pelham?
Answer. Yes, sir.

LIVINGSTON, ALABAMA, *October* 31, 1871.

WILLIAM H. MAGUIRE sworn and examined.

By the CHAIRMAN:

Question. You are deputy sergeant-at-arms of the Senate of the United States, in attendance upon this committee?

Answer. Yes, sir.

Question. Please to look at this envelope, and state whether that is in your handwriting, [submitting the envelope produced by the witness Robert Fullerlove.]

Answer. Yes, sir; it is.

Question. Read it to the committee.

Answer. I issued a subpœna for this man, and inclosed it in the envelope, and gave it to a colored man to give to him, and indorsed on the back, "Bring the within with you."

Question. Read the superscription.

Answer. "Robert Fullerlove; bring the within with you." That meant the subpœna I sent him.

Question. You inclosed a subpœna for Robert Fullerlove?

Answer. Yes, sir.

Question. The person now present?

Answer. Yes, sir; with instructions for him to return the subpœna with him.

LIVINGSTON, ALABAMA, *October* 31, 1871.

BENJAMIN F. HERR sworn and examined.

The CHAIRMAN. This witness being called at the instance of the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Captain Herr, please state your residence and occupation.

Answer. Livingston, Sumter County, Alabama. I hardly know what my occupation at present is. I have been an editor and publisher until within a month or two.

Question. How long have you resided here?

Answer. Since 1865. I located here after the surrender, in the spring of 1865.

Question. Where were you born?

Answer. Lancaster, Pennsylvania. I was raised there.

Question. Did you come immediately from Pennsylvania here?

Answer. No, sir; I removed to Missouri in 1853, and resided there until 1861.

Question. You say you have lived in this county since the surrender?

Answer. Yes, sir.

Question. Will you please give the committee a statement of the condition of the country immediately after the surrender?

Answer. Its financial, or social condition, or both?

Question. Both.

Answer. Immediately after the surrender the condition of the country was somewhat unsettled, from the absence of any established form of government, but peaceful. Financially, it was prostrate. There was no one had any money, within my knowledge. There was some cotton owned in the country, but the facilities for shipment at the time were such that it could not readily be disposed of, and it was some time before there was any money in the country.

Question. Was the cotton found in the country pretty generally seized by the Government?

Answer. A great deal of it was that recognized as confederate cotton, and belonged to the Government. A large portion of the balance, however, was taken from the country by cotton gatherers who were through here.

Question. Who pretended to be representing the Government?

Answer. They so represented themselves. That is all the knowledge that I have of them. In addition to the scarcity of money, the absence of stock, that had been created by the continuance of the war, and the inadequacy of farming implements, and the general prostration, rendered the condition still worse than it would have been through the absence of ready money.

Question. What was the condition of the blacks here at that time?

Answer. It was very much the same as the whites, except that they had no cotton or any other available property.

Question. What were the relations between the two races?

Answer. At that time they were very amicable and kind. I remember the day that a Federal officer made proclamation of their emancipation to them here in the court

square, and advised all such as could to remain for the present year at least with their former owners or employés, even if they should get nothing but their food and clothing, until they should have time to look about them and make other provision for themselves; that as to such as could not, or were not desirous to remain, but wished to avail themselves of their freedom, the Government could not permit them to become charges on the public, but they could go with this officer, and would be put to employment on plantations in Louisiana. That was the information given by Captain Smith. Comparatively few of them, however, went with them. Most of them remained.

Question. Do you know any facts illustrating the good feeling between the black and whites at that time?

Answer. There were many instances just in connection with what I have said. I remember very well one illustration that made an impression on my mind at the time. I had never been a slave-holder myself. Most of the negroes of families, women and children, were brought here in the wagons of their former owners. Among the rest I remember one family brought by Mr. Socrates Parker, a man and wife, and I think seven children, most of them small; and the husband insisted upon going, his wife pleading with him very hard, but it had no effect, and finally Mr. Parker came by and told her to let him go if he wanted to; that she was better without him; as for her and the children, they could get in the wagon and go home again, and while he had anything they should not want, and they did so. Some time after that the negroes in town here organized what they called a benevolent association among themselves. They were in the habit of inviting white gentlemen of the place to meet with them, and to address them. They felt a desire to be informed, &c. As another instance, on the succeeding 4th of July they got up a barbecue, to which they invited their white friends, and they joined in with them and had a very good dinner and speeches among themselves, &c. The whites participated in that. They had a flag presentation, among other things. That is merely an index to the general feeling prevailing between them at the time.

Question. What was the length of time that this condition of affairs existed?

Answer. Well, it existed, without any perceptible change to me, until about the spring of 1867.

Question. Was there any cause which produced this change, known to you?

Answer. The only noticable cause was the influx of some people, generally called carpet-baggers, who came in and ingratiated themselves with the negroes, and organized what they called a Union League. From that time the blacks became more reserved, showed no disposition to mingle with the whites, or have them perform any offices for them. Their benevolent association, shortly after that, bursted up, and there was no opportunity for them to mingle together afterwards. Previous to that time they had been in the habit of calling upon white friends here for advice or counsel. They did so on me frequently in my office, but after that time there was an end to all that.

Question. Was this about the time of the formation of the Union League?

Answer. Yes, sir; the time I speak of—my recollection is, in the spring or early part of summer, 1867.

Question. How did they deport themselves immediately after the formation of this League? What was their bearing toward the people?

Answer. There was no particular difference manifested other than that I have spoken of, until toward midsummer, or about the time the registration of voters was had. They then appeared to become more active; had frequent processions in the streets, carrying arms. It seemed to partake somewhat of the character of a military organization.

Question. What was the condition of the whites at that time, while these Leagues were being formed?

Answer. It had created very considerable apprehension on the part of the whites. There had been quite violent demonstrations made. The League met in town frequently, and the members were in the habit of coming in with their arms, and remaining until a late hour of the night, and they begun talking very boldly about what they proposed to do, and what they could do. They were in the habit of drilling at night, having military drills as well in the other parts of the county as about here. In fact, there was not so much of it here as there was in other parts of the county. Sometimes there would be volleys fired off in the streets after bed-time, and, altogether, it created an alarm on the part of the citizens, knowing the influence that certain men had over them, and the prejudice, or hatred, you might say, excited against the whites. That alarm grew to such an extent that men were very timid about leaving their homes at night, or being absent from home over night.

Question. Have you any personal knowledge of the spirit manifested in the League?

Answer. I have.

Question. Will you state to the committee what you know about that?

Answer. I know that speeches were made in the League calculated to inflame the minds of the blacks against the whites; that speeches were made endeavoring to im-

press upon them the fact that they need pay no regard to the feelings or interests of the whites; that their first allegiance was to the League, and that they must obey any orders emanating from the League; that they would be subjected to punishment if they disobeyed or disregarded the orders of the League or its officers. I have heard one member, a prominent member of it, state in the League that he had that day called a white man a liar on the street; that he did it with impunity, and would do it again; that if any member of the League disregarded its orders, or proved recreant to its obligation, he was "in favor of bringing his head right to the block." Those were his words.

Question. Who were the leaders in this League here?

Answer. At the time I speak of, a black man, John W. Little, was president, but hardly a leader. A white man, named Daniel Price, was, I think, the moving spirit. There was a man named B. F. Rolfe; another, I believe, G. W. Hayes.

Question. What do you know of these men—these three men you have named?

Answer. I was going to add that, among the blacks, the leading spirit was George W. Houston. It was he who used the language I have spoken of.

Question. Was there anything else said at that time, that you remember, of that character?

Answer. I heard a great deal said, but this is about the general character of it. Much of the business of the meeting was devoted to political affairs. At one meeting, that I remember very well, and at the meeting at which this language was made use of, it was for the purpose of nominating a ticket to be supported at the ensuing election. There was somewhat of a division in nominating candidates, for probate judge particularly.

Question. Give us some account of these men as you knew them here—Price, Rolfe, and Hays.

Answer. Mr. Price came here, I think, in 1866, and taught a colored school. He excited no particular remark or observation for some time, in fact not until the organization of this League. We knew nothing of his previous character at the time. He boarded in a family of blacks, and his associations were with them altogether; but nobody cared about that. Subsequently his character became very overbearing. He seemed to have almost absolute control over the negroes during the existence of the League, and was known to have made various threats, one of which he made to the coroner, at that time acting sheriff; that in a certain event, he had ordered the negroes to town; that there would be 2,000, perhaps 2,500 present; that if anything was done or any interference there, he would harangue these negroes; and if he did, he would not give fifty cents for the town. He made other declarations of much the same character. After the election, some time before he left this place, but for some time previous, he had been quite inactive, took very little part, and was rather gaining in the estimation of the people. Since he left, we learned from a Mr. Clark, who is a citizen of Wetumpka, in this State, from which place Price came here, that he had when a mere boy been convicted of larceny and imprisoned in the penitentiary; that during the war Governor Gill Shorter pardoned him. This, of course, I state as coming from Mr. Clark. I have no personal knowledge of it. Mr. Clark is a gentleman who seems to stand well in the community. I think he was sergeant-at-arms of the last house of representatives.

Question. Of this State?

Answer. Yes, sir.

Question. Well, who was Rolfe?

Answer. Rolfe I knew nothing of until he came here. He and Hays both came here as employés of Mr. Barker, a coach-maker of this place. My attention was not drawn to them particularly until their active part in the League and all assemblages of negroes attracted my attention. They were both dissipated men. Their habits were bad. Rolfe took an active part in the canvass and election, and I think he had a place on the ticket. He remained in the employ of Mr. Barker until, I think, on one occasion Mr. Barker discovered him in bed with his negro cook, and drove him off. He disappeared soon afterward, and I do not know what became of him. Hays seemed to be an associate of his; they were always together; they exerted a great influence over the negroes. He remarked to me that he did not care a damn about the nigger; that there was going to be money made out of them, and he was going to have his share. I have heard he made the same remark to others. I remember on the vote on the adoption of the constitution the voting was confined to two precincts, this and Gainesville, or probably at Gaston; I am not postive. He was at the Gainesville poll, and returned one night probably about 10 o'clock. He came into an office nearly opposite. Some of us were sitting in the office by the fire, waiting to hear something from the election. He came in and remarked "I will be damned if I didn't think I was some at cheating, but those fellows up there could cheat the eyes out of me." He referred to some of his opponents running on the same ticket. He was a candidate for the State senate, and he virtually that night gave up the contest. He expressed himself disgusted that he could not hold his own with them. After that election some

time, I cannot remember distinctly how long exactly, he seemed to have quit politics, and I was told he had entered into an arrangement with a gentleman living a few miles from town to engage in planting. The gentleman placed him in possession of ten bales of cotton to take to Mobile to sell, the proceeds, or a portion of them, to be applied toward purchasing supplies for the intended farm. The cotton was sold, but there has been nothing heard of Mr. Hays since. He did not come back.

Question. Who was the candidate at that election for probate judge?

Answer. A Mr. Lane, from Ohio.

Question. What became of him?

Answer. He left shortly after the election. He went to Ohio.

Question. Did you hear from him after he left?

Answer. Yes, sir; I saw a letter from him—a letter he wrote—not after he got to Ohio, but a letter he wrote from Demopolis, on the eve of his starting.

Question. Have you got that letter with you?

Answer. I have a copy of it with me.

Question. We would like you to just read that letter.

[The witness produces a printed slip.]

By the CHAIRMAN:

Question. Have you compared it with the original?

Answer. I did, sir. I was publishing the paper in which it appeared, and had the original in my possession.

Question. Were you acquainted with his handwriting?

Answer. Yes, sir. I have seen it frequently; I had done work for him in the office, and knew the letter to be written by him; to the best of my knowledge, having seen his writing before, I would say it was written by him. Further than that I could not say, of course.

Mr. BLAIR. Read the letter.

The WITNESS. It is as follows:

"DEMOPOLIS, ALABAMA, *February* 16, 1868.

"DEAR SIR: I have my goods at the depot, ready for transportation to the *Cin. Cin.*, Ohio. I received a statement of your account, and have made arrangements to have paid. I sold some goods to Bob Reede, and he will pay Dr. Erwin in a few days, and the doctor will pay you. I regret going, though I cannot do anything here. The failure to ratify the constitution will make my election to the office of probate judge of no account for the present, though I think we will succeed in bringing about conditions of some kind that will give security to the colored people, and protect them in their rights. Burton will go to Washington on Monday next to lay the case before Congress. At a meeting held here last night this was agreed on.

"I will do all I can for the cause, and may go on with him, or meet him there. Tell my colored friends that I will continue to work for them when I get my family fixed in a home in the North, where they can have good health. The doctor will pay my share for the tickets used in the late election. Tell George Houston to work away, and if times get too hot here to let me know and I will get him a place in the North. I thank the colored people for their universal support, and am only sorry that I cannot serve them in the capacity of probate judge.

"Had the constitution been ratified I would now been with my family in Livingston. Tell Kirkland to send me the Messenger to my address, at Middleton, Ohio, for three months, and please send the Journal to the same address for the same time. I will send the money on receipt of paper. Please send me, to Middleton, the result of the late election in Sumter County. Take good care of the '*dear ones*,' and write me occasionally, but when you write don't mention the '*dear ones*,' for it might be opened by some one besides myself.

"Wishing you a good time, and that you will make plenty of money, I will close.

"I may go West some time this summer, perhaps in the vicinity of Kansas City.

"Make all apologies to the darkies for my leaving, and oblige. If anything comes up that will benefit you I will let you know. You will hear from me from Middleton, Ohio, soon. I will leave by railroad on Monday.

"Hoping all is well, I remain, most respectfully, yours,

"TOBIAS LANE.

"My respects to George Houston, Price, and other friends.

"Mr. JOHN B. CECIL, *Livingston, Alabama.*"

By Mr. BLAIR:

Question. What do you know of the general character of this George Houston?

Answer. His general character, previous to his identification with the League, was very fair. He was a negro who commanded the respect of the white people to probably as great an extent as any other negro in the county. After that, however, and

after he was made an officer of registration more particularly, he became very domineering and turbulent; so much so that his former friends refused to recognize him, or to have any intercourse with him, except, probably, one or two of the old family to which he used to belong. He was known to have made threats on two or more occasions that if opposition was offered to their programme or their desires, the town would be laid in ashes, and he made that declaration to Captain J. W. Monette, who was town marshal. Captain Monette told me so, and others told me the threat had been made in their hearing. He was heard to remark frequently that he could crook finger as quick as any other man; and all he wanted was to be let know when they were ready. The interpretation of that referred to pulling a trigger, as was understood generally.

Question. You have spoken of his expressions in the League. Do you know of any dissatisfaction among the colored members of the League, at the manner in which it was conducted—with its tendency?

Answer. I know of none at all. After the League had been in existence for some time, probably in the spring of 1868, there were some of the most intelligent negroes quit it, and published cards with reference to their quitting.

Question. What did they say about it?

Answer. The president of the League was one of those who withdrew and published a card. I have not got it with me. It is in the bound volume of my paper. The substance of it is that he found it was being diverted from what he conceived to be the right object, and instead of being calculated to benefit their race, it was becoming a means for stirring up bad feeling. That was the gist of the card. He made some further remarks in reference to his leaving, and to his being called a traitor for leaving.

Question. What was the name of that man?

Answer. John W. Little. He is now teaching a colored school.

Question. In this town?

Answer. In this county, at Gainesville. I saw him yesterday. He was still teaching there. Another one was Sydney or Sydenham Porter. There was, as he told me, a great deal of hard feeling expressed toward him for leaving. He published a card also. I believe I have that with me.

Question. Let us have it, if you have it with you.

Answer. I did not bring Little's, because I would have had to mutilate my file to have done it. This card was written July 18, 1868. It is somewhat in the form of an address. I will state that I copied his card myself. The subject-matter of it was not changed in any respect, but the orthography was.

By the CHAIRMAN:

Question. Did he see it after the change was made?

Answer. Yes, sir. He had it headed "Address of Sydenham Porter." I will read it:

"We have been requested to publish the following; and, in keeping with our readiness to accommodate well-meaning freedmen at all times, do so. We have made such corrections only as were necessary to render it intelligible:

"ADDRESS OF SYDENHAM PORTER.

"LADIES, GENTLEMEN, AND FELLOW-CITIZENS: Our country is what I propose to talk about at this time. If we think a moment, and look around us, we see our gin-houses, and screws, and fences, and barns destroyed, and nobody to build them up. Ruin and decay is on every hand.

"We must admit something is wrong. Why is all this? Because we have been called from our regular duties to follow after scalawags and carpet-bag politicians, to the injury of ourselves and families. They tell us they are our friends. Have they ever done anything for us? Nothing. On the other hand, have we ever done anything for them? We elected them to office. And did you ever see one of them that didn't want office? When they saw the constitution was beaten, and they thought they would not get office, they went back to their homes. We have turned our backs on those that we have been raised with, and who support us, and followed after strangers who done nothing for us. This is the reason we are no better off to-day, and there is such a bad state of things. The only way for us to get along and do well is to let politics alone and go to work to gather crops that are now growing, and have something to live on. Politics is a thing we know nothing about; and if we did, it is a mighty unprofitable business. We are encouraged by a certain class of people to go ahead with politics, because they want to use us to get our votes. If we take any part in politics, let us do it like men, and not have so much parade and 'to do' about it. Let us respect everybody's opinion, and have harmony and good feeling between all, especially with those who have known us from childhood till the present hour. They are the ones that have helped and assisted us, and all the money I have made since I have been free come from them. We must continue to live together, and unless there is good feeling between us, it is impossible for us to prosper, make money or a living.

If we desire peace and prosperity, let us say or do nothing that will stir bad feeling. He who looks back at the past and talks about our bondage does not love peace and harmony. We must look ahead and do our duty in the future. We must also recollect if anybody is to blame for our bondage, it is all the people of the United States, and not the southern people alone.

"Then let us let politics alone, go to work, and cherish good and kind feeling toward our old friends, and they will continue our friends; we will thrive and prosper. But if we do not work and attend to our business and do our duty, but go to public meetings all the time, and stir up bad feelings, ourselves, our families, and our country will be ruined. I know many that I have talked with agree with me, and I hope all of us will strive to do for the best, influenced by a desire for peace and harmony, and a good will to all mankind.

"LIVINGSTON, *July* 18, 1868."

This was written after the election for the adoption of the constitution.

Question, (By Mr. BLAIR.) There has been some testimony taken before this committee in reference to an outbreak or disturbance of a serious character at Belmont, in this county. Will you be good enough to tell the committee what you know about that affair?

Answer. Personally, I do not know anything about it. I was not there. I have only the accounts from others. I was at the time publishing a paper and was desirous of furnishing my readers with a detailed account of it, and as accurate a one as I could get. I have that with me, written at the time when information was accessible and everything was fresh in my mind. Independently of that I could not give more than——

Question. Let us have the statement that you then made about it, if it is in the main, as you believe, a correct statement, verified by facts afterwards.

Answer. I will state that my desire was to procure as accurate information as I could on that subject; and that after it was published I asked several gentlemen who were there how near I had come to giving a faithful description. They told me they thought it was about as fair an account as could be given of it.

By the CHAIRMAN:

Question. Is that in as condensed a form as you could give the facts?

Answer. It is, as condensed as I could then.

Question. But at this time?

Answer. I doubt whether I could give a connected account of it at this time, as I had dismissed the affair from my mind entirely.

Mr. BLAIR. This is a statement of facts which he made at the time, and which he says was verified before and since. I am very anxious to have a detailed and faithful statement of that fact. We have had nothing of the kind.

The CHAIRMAN. I have no objection to a statement of the Belmont affair, if the witness states that his editorial, prepared at the time, expresses the facts as succinctly as he can give them now. I suppose nothing would be gained in having that substituted.

The WITNESS. I think it would be more succinct, because my memory is not as fresh now as it was then; and in giving it now I would probably fail to recall some things that would escape my mind.

The CHAIRMAN. Very well. I do not want this established as a precedent, because it would be a very bad one.

Mr. BLAIR. Any witness has the right to refer to his own writing to refresh his memory. Any comments, or anything of the sort, can be left out; we want only the facts.

By Mr. RICE:

Question. What is the date of it?

Answer. This is from the Livingston Journal of August 5, 1870. After the introductory paragraph, I say:

"We have made every effort to obtain such information as would enable us to give a full, connected, and impartial account of the affair from its incipiency, but, having to rely upon fragmentary statements given by individuals, none of whom had personal knowledge of all the facts, we can only give such an account as is deducible from the scattering information obtained, giving prominence chiefly to that got from persons deemed the most reliable.

"The affair doubtless had its origin in the agreed fight between McBride and Senator Jones, at Belmont, in June, and which resulted in the whipping of Jones, and the consequent dispersing of the political meeting then in progress. (A prominent radical office-holder, of this place, expressed to us his belief that Jones is responsible for the whole trouble.) Since that time, certain negroes of the neighborhood have, on various occasions, displayed unusual hostility to the whites, and on the 25th July news reached this place that they would hold a meeting at Belmont, at which Jones and the negro representative, George Houston, would be present; and if the whites presumed to interfere they would burn the place. A number of young men repaired to Belmont, but no meeting was held, nor was there any disturbance. A similar rumor reached us on

Friday last, of a meeting to be held on Saturday. Apprehensive that there might be a breach of the peace committed, the sheriff summoned a posse and repaired to Belmont. They found everything quiet, and most of the party returned that night, the sheriff remaining, however. During the day, or night, some one (as has been alleged) whipped a negro. The circumstances attending this whipping we have not been able to learn.

"But, at all events, the party assaulted, instead of appealing to the law, busied himself in arousing the anger of his colored friends; and the night following, a number of them, armed, collected at his house. This fact excited apprehensions of a disturbance, and a small party of whites took it upon themselves to watch the premises. During the night one of them, named Melton, approached the house, and, just as he entered the yard, was shot down. After falling, another volley was fired at him. Hoping to escape further injury thereby, he feigned death, and, both parties believing he was dead, the one ceased firing, and the other withdrew and gave the alarm. On the day following (Sunday) a number of whites assembled at Belmont, some of them much excited. It was finally determined, however, to proceed under due process of law, and a warrant was issued for the arrest of the parties who had shot Melton. It was given to an officer at a late hour in the day, and he, being fearful that the blacks might attack him before he could make known to them his business and authority, declined executing until next day. A man named Collins, a bridge-builder employed at this place, offered to execute the process forthwith. It was given to him, and, accompanied by a small party of young men, he set out. Arriving opposite the house in which the negroes were, the party dismounted in the road, and Collins and two or three others proceeded towards the house. Just as they entered the yard, Collins being second, they were fired on from ambush. Collins fell dead, and two of his companions were slightly wounded. The arresting party returned the fire, but the negroes, having reloaded, discharged another volley, and the whites retired, leaving the body of Collins where he fell.

"This occurrence added fuel to the excitement previously existing, and the news spreading, large numbers of whites, from various parts of the country, flocked to Belmont. The negroes also received re-enforcements, and took position in an almost impenetrable swamp, in the vicinity.

"A portion of the whites urged an immediate attack on the negroes; but cooler heads assumed control, under authority of the sheriff. Two unarmed men were detailed to demand the body of Collins of the negroes, but it was with difficulty the latter could be induced to allow them to approach; and when they did so, and made the demand, the blacks replied that their leader had gone to Demopolis, and if they wanted Collins's body before he returned, they (the whites) must fight for it. This was on Monday.

"It now seemed that a conflict was inevitable; and the whites, their number constantly augmenting, began preparations for a determined attack. The next day, however, and that want of justification might not be urged, another demand was made for the body of the murdered man. This time it was surrendered, with the assurance from the blacks that they only gave it up 'because it smelled so bad.' They refused to surrender any of his personal effects.

"The whites now organized and prepared for a dislodgment of the blacks on the next day, at all hazards, subject to the authority of the sheriff.

"It was about noon on Wednesday before those in command directed a forward movement, the force having been deployed so as to include within its field of action all the territory held by the blacks. But, as they advanced, no negroes were found—they pushed on to the river, but no force was encountered. The blacks had (in view of the preparations made, and of which they doubtless had information;) concluded that discretion was the better part of valor; and on the night previous, as was subsequently ascertained, had disbanded and fled.

"There being no further necessity for their presence, the whites quietly dispersed and returned to their homes—some of them no little chagrined because, as they believed, time had been consumed unnecessarily, and the blacks had escaped merited punishment for their deeds of violence, and defiance of lawful authority.

"Perhaps it is best as it is; but the fact remains that an officer in discharge of his duty has been shot down, and the guilty parties are still at large.

"These events, extending through three or four days, excited no little interest in our community, but we witnessed nothing like nervousness, or indeed excitement. All felt that the crisis which, under the influence of bad men, has long been imminent, had perhaps arrived, and, while no white man was disposed to precipitate it, all were prepared to meet it.

"The alacrity with which men from all parts of the country—and, in fact, from some adjoining counties—repaired to the scene of danger was truly gratifying; and for the blacks should have an admonitory significance.

"On Wednesday evening a party of fifty armed men arrived from Meridian; but learning that the sheriff's posse was fully equal to the emergency, they remained here over night, and returned next morning."

The remainder is comment.

Question. You need not mind the comments; we want the facts.

Answer. As stated here, there was much excitement. I saw the parties going in and prepared the statement, and afterwards submitted it to men whose judgment I confided in, and they said it was fair and correct.

By the CHAIRMAN:

Question. That was ascertained entirely from the whites?

Answer. Yes, sir; I saw no negroes there. The fact is, the negroes here were in as great a state of alarm as the whites.

Question. Was your statement made up from white witnesses entirely?

Answer. Yes, sir; there were no negroes engaged in it except those from that neighborhood; that is, eighteen or twenty miles distant. There were no negroes from here who went down that I have any knowledge of.

By Mr. BLAIR:

Question. Who was responsible for that Belmont outbreak?

Answer. I can only give what was the general impression. The general impression was it was attributable to the conduct of Mr. Jones at the previous meeting at Belmont, and to messages that he sent subsequently.

Question. Do you recollect any individual expression of opinion in reference to the resistance?

Answer. I may have heard many individual expressions. I remember to have heard one individual expression, because I was surprised at it. I happened to be at the post-office, and Mr. Price, then postmaster, asked me if I had any news from there, and that led to some conversation, and he stated very emphatically that he regarded Mr. Jones as being responsible for the whole affair.

Question. That was Daniel Price?

Answer. Yes, sir; the same man to whom I referred previously.

Question. Do you know anything about the burning of Choutteau's house?

Answer. I know from hearsay that the house was burned. I collected the facts in relation to that also from persons who were there, and I have a statement of his in relation to it.

Question. Of his?

Answer. Yes, sir; published in a Montgomery paper, and also facts given from our own people in relation to it.

Question. Will you state the facts attending it, as you have them, from the best knowledge?

Answer. I could do it with more facility from an extract from my paper published at the time.

Question. Just give us that. That statement covers the point.

Answer. [After making search.] I haven't it. I have his statement of it as published in the republican paper at Montgomery. I believe that is all I have. There is another very intimately connected with that, which I have here.

By the CHAIRMAN:

Question. I would like to hear his version of it; we have had the other side.

Answer. This appeared in the Alabama State Journal of December 17, 1868, and was reprinted in the Livingston Journal December 25, 1868.

"LIVINGSTON, ALABAMA, *December* 14, 1868.

"EDITOR JOURNAL: Reading your valuable paper after the election, my spirits were greatly raised in expectation that we should have peace and quietude; but how much I was deluded in the idea of peace and quietude you will please permit me to inform you, to show you and your readers how a loyal Union man is treated in this section of the country.

"Undoubtedly you have heard of the persecution I had to undergo before the election; how an armed mob came to my plantation and killed a colored man, and would have killed me if they could have found me; how they heaped every indignity and abuse upon me, and hired assassins, who fired at me, for nothing but being a good, loyal citizen. I have been a resident of this county for ten years, and can show a character as a law-abiding and loyal citizen.

"I was of the opinion that after the election we would have peace; hence, since the election, I quietly attended to my business; but they would not let me rest, for every day armed men came on my plantation and fired toward my house, and swore that they would kill me. I informed the State government of it and begged their protection, but without success.

"Monday night, December 7, 1868, two of my children were sick with fever; I was attending them. About 10 o'clock I went out of the house into the hall to get some wood, when a ruffian shot at me with a shot-gun, the buckshot flying all about me, but, providentially, none hit me.

"I then, Thursday morning, took my wife and two of my little children (the sick ones) in my wagon, and removed them to this town, leaving my aged mother-in-law, about seventy years old, and my oldest son, about eight years of age. As the roads were very bad, I could not carry anything but clothing for our change. After I left, on Wednesday, December 9, an armed mob came to my house, burned up the house and everything I had, also eight bales of cotton, which I had stored in my house, some packed and some cotton in the seed.

"They drove my brother-in-law out of the house, as also my little son out in the woods in a bitter cold night, allowing them nothing to carry with them. I had built the house only a year ago, and it cost me fifteen hundred dollars to complete it. I had everything destroyed or stolen by them. I cannot describe to you the destitution we are in—from comparative affluence I am to-day a begger—you cannot imagine my state of mind. My loss is, at the least, from seven to nine thousand dollars.

"I called repeatedly on the State government for protection when they threatened me, but I received none. I think the government owes every citizen protection. I have paid my taxes and acted always the part of a good citizen, and my only crime, if a crime, is in being a republican.

"I think the government owes me reparation and protection. If I have committed a crime by being a republican, why, punish me, but don't allow people to burn the only shelter of my family.

"I am of opinion that some designing person or persons have misrepresented me. I therefore call on you, as the friend and representative of the poor and downtrodden, to publish my case and let the world know how I am treated, and the prayers and best wishes of a destitute family will be yours.

"Very respectfully,

"GERARD CHOUTTEAU."

By Mr. BLAIR:

Question. Did you ever make an attempt to verify his statement there as to his loss?

Answer. I did.

Question. What was the loss?

Answer. I investigated with reference to his loss and the burning of his property. I ascertained from persons living in the neighborhood, and who were acquainted about his premises, that there were three bales of cotton on the place at the time the house was burned. They had been removed into one of the rooms of the dwelling-house. The balance of his crop had been shipped. There were two versions with reference to those three bales. Some told me they were the share belonging to the negroes that put in the crop; some others told me they were three bales that were to go to the parties from whom he purchased the property. Which was correct, I cannot say; but all concurred that there was no seed-cotton there, and but three bales of cotton at all. Mr. L. D. Ormond told me, in an interview I had with him respecting the matter, that he had sold the place to Dr. Choutteau, but that the doctor had never paid for it.

By the CHAIRMAN:

Question. Who said that?

Answer. L. T. Ormond, an old citizen of this county; that all the loss, so far as the destruction of the house was concerned, was his loss.

By Mr. BLAIR:

Question. Ormond's loss?

Answer. Yes, sir. I noticed that there was being a move made to get a relief-act passed to reimburse Dr. Choutteau by the State legislature for his loss. I went to the tax-books of Sumter County for that year, 1868, and I found that Dr. Choutteau had returned the following property: Six polls, $12; one horse, $150; one clock, $10; one watch, $20. Total personal property, $192. Land and improvements, south half of section 7, township 20, range 3 west, 320 acres, with improvements, $960; one lot in Sumterville, $50. Total real estate, $1,010. This list was handed in to the assessor by Choutteau, sworn to and signed by him.

Question. Did you ever take occasion to verify that statement in reference to the ownership of the land?

Answer. No, sir. Mr. Ormond was a gentleman I knew very well, and I had no doubt it was so. I had known him for years. His standing in the community was such that I did not think of doing that, and never anticipating that there would be any investigation of the matter hereafter, I did not deem it necessary.

Question. Do you know anything in reference to the account which he gives in reference to that attack on his house? Do you know the facts connected with it?

Answer. He speaks of attacks having been made previous to the burning of his house. I never heard of them. I heard of the burning of the house, and I did, at the time, hear the version given by the old lady, his mother-in-law, who was there, I believe.

By the CHAIRMAN:

Question. Did you hear of a negro being killed on his plantation?

Answer. Yes, sir; I have a statement of it here; and, I think, the burning of the house, very probably, was connected with that very intimately.

By Mr. BLAIR:

Question. What is that statement?

Answer. That is the killing of negro Ben, known here as Yankee Ben. He was president of the Union League, I believe, at Sumterville, and was killed by accident. The party who killed him had a warrant, and were looking for a negro who had stabbed a Mr. Richardson, I think, quite a near neighbor of Dr. Choutteau—in the neighborhood, at least.

Question. State the facts in connection with that.

Answer. Briefly, they were these: Mr. Bryant Richardson is a planter, living in that vicinity. He had been engaged on his plantation—I forget the date; I have it here though, and can refer to it. He returned to his house about dusk. He left his horse at the entrance of the yard, and was walking up with a little reedy switch in his hand, when a negro sprang on him from behind and struck him, as he thought at the time. He was taken by surprise, and struck back with his switch. The negro made a second and third stroke at him and then fled.

Question. What with?

Answer. I was going to say. Mr. Richardson did not know he was hurt, more than by receiving a blow on the face; but his statement was that he felt something wet in his boot, and found himself stabbed through the lungs and his boot was full of blood. He did not feel the pain at the time, but made the discovery from the blood, after the scuffle was over. As soon as the facts became known a warrant was procured for the arrest of the negro, Enoch Townsend, with an *alias* probably. The same night the party with the warrant went searching for him, and, knowing he had been in the habit of frequenting the plantation of Dr. Choutteau, they went there and examined several cabins on that place, but could not find him. There were two others that they had not looked into and examined. They went to one and found the door barred, and they concluded that, before forcing an entrance, they would go and examine the remaining cabin. They did so, and did not find the negro there, and they then went back to the one that was barred and forced an entrance. As they opened the door they heard some one scrambling in the chimney and jump down on the outside. They ran out, under the impression that it was the fugitive. They called on him to halt. He kept running, and they fired upon him and he fell; and on coming up they discovered that it was not the negro they wanted at all, but this other, known here as Yankee Ben. With reference to the excitement growing out of that, there had been a League assemblage at Choutteau's, which created great excitement among the negroes. I prefer reading from my account here, as my recollection is not distinct, except in the main, as to the principal incidents. Some positive evidence in relation to this could be obtained from Mr. Sanders, who was formerly coroner. I forget one statement also. After the killing of this negro the man Townsend was arrested the following Friday by two freedmen, Robert Brownrigg and Bob Thomas, and on Saturday committed to jail.

By the CHAIRMAN:

Question. Was that the man who killed the negro?

Answer. No, sir; the man that stabbed Richardson.

Question. Was anything done with the officer who made the mistake, shooting the wrong negro?

Answer. Not that I am aware of. I do not remember of anything done.

Question. That was considered an excusable accident?

Answer. It was, in public estimation. I cannot judge whether it was really excusable or not. It was generally regarded that he was killed by an officer in an attempt to execute the law. There was an inquest held. As I said before, the troubles about Choutteau, I think, grew out of this matter. The killing of the negro created great excitement among the negroes, and the announcement was made that there was to be a meeting of the League at Choutteau's for the purpose of avenging the killing of this boy. On the Saturday following, some sixty armed negroes had assembled at that place, but, after remaining until evening, dispersed. On Monday some one hundred and fifty negroes assembled at Choutteau's. During the day some twelve citizens went to Choutteau's to hold an inquest over the body of the negro Ben, which had been left unburied. On announcing their purpose, Choutteau informed them that they could not hold an inquest unless their jury was composed of negroes, and the negroes present were very insulting in their demeanor. These facts being communicated, some hundred armed citizens repaired to the spot, when the negroes dispersed and Choutteau became rational. He interposed no further objection, but informed the citizens that, if allowed a few days in which to arrange his business, he would leave the neigh-

borhood—he had for some time contemplated doing so—was sorry he had lost the esteem of his neighbors, but would leave if permitted to do so. He was told such a course was unnecessary; he had occasioned much trouble and bad feeling between the blacks and whites; that he was believed to be the indirect cause of the death of Yankee Ben, but he was welcome to remain as a law-abiding citizen. He repeated his intention to leave, however. Meantime, the coroner, Mr. B. B. Sanders, learning that the jury of inquest had not been duly sworn, proceeded to Choutteau's and held a formal inquest, on Tuesday. And now a new scene is presented. While the coroner and jury were performing their duties, Choutteau approached and informed them that eight hundred armed negroes were advancing at a little distance. On looking, they saw a party of armed negroes approaching, but they were only nineteen in number. (Choutteau had stated the day before that Mr. Price, of this place, had sent word he would be there with eight hundred armed negroes.) On coming up and being questioned as to their business, they stated they had been sent by Mr. Price to carry some "proper papers" to Choutteau. These papers consisted of two letters from Price, which were read by the coroner, with the consent of Choutteau. These nineteen negroes were all armed, some of them having new Enfield rifles. After delivering the "proper papers," the armed messengers departed, at the suggestion of the coroner. I received that statement from the coroner and the gentlemen with him, and he showed me the paper Price had sent. I do not remember its character, more than that its general import was to remove his family to his house here and maintain a stiff upper lip; that he would have assistance. The negroes who were carrying these arms seemed to think they were not doing wrong in doing so, and my recollection is that Coroner Sanders told me they offered to give up their arms to him if he wanted them. He told them to take them back and put them where they got them. Mr. Richardson, I should add, did not die; he is still living, but he remains an invalid.

By Mr. BLAIR:

Question. Do you know anything of the murder of a Mr. Binns; who he was, and what were the facts connected with the murder?

Answer. Yes, sir. I had a memorandum of it, I believe. It happened in April, 1868. I take these dates from my file. He was a young man in charge of a store, I think; employed as a clerk (he had been a confederate soldier) at Cross-roads, probably three miles from town. I never was at the point and could not state the distance exactly. These facts came from the confession of a party arrested for the murder, and they correspond with the conclusion arrived at by the people before it was discovered who had done it. He was found in the door-way of his store. He had retired for the night. Some one knocked at his door; he got up, and his appearance indicated violence. He was found in his night-clothes. He had opened the door when he was shot. His store was opened and robbed. He was found the next morning. There was a negro, Jasper Alexander, to whom suspicion attached. A reward was offered for him. It was found that he had left the neighborhood. He was followed up and was arrested, I think in Dallas County, and brought back, and he confessed to the murder, and told all how it had been arranged and executed, to what extent others connived at it or were accessory. There was one other implicated, but after the trial he was dismissed. The object was to plunder the store.

Question. Jasper was arrested and imprisoned and afterward taken out and executed, was he?

Answer. Yes, sir, taken out and hung.

Question. Do you know who was implicated in his hanging?

Answer. I do not. I learned from the jailer—I forget what number he stated—that a party came; probably twenty to forty would include the number he stated.

By the CHAIRMAN:

Question. Was any reward offered for the discovery of the murderers of Jasper?

Answer. Not that I know of.

By Mr. BLAIR:

Question. Whose duty is it to offer a reward?

Answer. From my recollection and information, it is the duty of the governor of the State in a case of that kind.

Question. Who was then governor of the State?

Answer. William H. Smith, I believe.

Question. Do you know anything of the murder of N. E. Thomas, of Choctaw, and what the motives were, if known at all?

Answer. I remember very well his killing; it was in June, 1868. I knew Mr. Thomas very well. He was the editor of the democratic paper published at Butler, in Choctaw County. He was shot one night from across the street, just as he had gone down the steps of his office and was in the act of going home. He was encountered by a couple of gentlemen; I believe his partner, Mr. Neill, or O'Neill, was with him. He encoun-

tered two men on the walk. He had some dispute—some words with them, and while that was going on, my recollection is, had drawn a pistol, probably on Mr. Thomas. There was a shot fired from behind a tree on the opposite side of the street, and he fell and died; he died the same night.

Question. Who were the parties? Were they ever discovered?

Answer. That killed him?

Question. Yes.

Answer. His declaration was when he fell, "Josh. Morse has shot me."

Question. Who was Josh. Morse?

Answer. He was at the time, I think, Senator from Choctaw County, and, subsequently, attorney general of the State. A gentleman by the name of Armfield and one named Gilmore were implicated. They anticipated him on the walk and had an altercation with him there. They fled. Some time afterward, probably several weeks, they delivered themselves to the military authorities at Demopolis. Afterward, when the next term of court came on, they procured a change of venue and the trial finally took place at Mobile, and they were acquitted. O'Neill, the gentleman who was in company with Thomas at the time the shooting was done, left the country, and his evidence could not be procured upon the trial.

Question. Upon whose affidavit were they arrested? You say they delivered themselves; was there an affidavit or warrant?

Answer. I do not know whether there was a warrant for them or not. Their movements were not known until it was ascertained that they had surrendered themselves to the military authorities at Demopolis.

Question. Who were these parties?

Answer. Morris was, as I have said, I think, at the time, a Senator from that county. He had been a planter from Choctaw. He was an officer in the confederate service part of the time of the war; subsequently, he was attorney general of this State. Mr. Gilmore was, I believe, a practicing lawyer in Choctaw County, and, subsequently, solicitor for that county. Armfield I do not know anything about. He was a citizen there; whether he ever held any position or not I do not know.

Question. What was the motive for killing this man; do you know whether anything was said about that?

Answer. The general impression was that it grew out of politics. I had a conversation with Mr. Thomas some time before this. He and Morse had had frequent political altercations, and he told me some instances in which Morse had, apparently, done all he could to irritate him, and Thomas replied in some very severe strictures in his paper. Thomas was a democrat, and Morse was a republican.

Question. Was Morse ever tried for the murder?

Answer. He was tried in Mobile.

Question. Was Armfield?

Answer. Armfield, I think, probably was dismissed. I do not remember what became of him. He, apparently, was a very insignificant actor in the thing, and there was no particular attention drawn to him. Gilmore and Morse both were tried in Mobile, and were acquitted.

Question. Do you know anything of the killing of the negro Jerry Clark by Prater?

Answer. Yes, sir. Jerry Clark was shot down in the road by Prater within a mile of town, I suppose.

Question. Upon what provocation?

Answer. Apparently, there was none in the world. Prater was riding along the road. He was very drunk at the time. Some thought he was crazy. He was, at least, intoxicated; and the negro was met on the road, and he just shot him, apparently, wantonly. He had passed through town here just a few minutes before, and pointed his pistol at several people in town, white and black, as he happened to encounter them. He would pull down on them, and I think if they had not got out of the way he would have shot them. He met an old negro in the road, and did the same to him, and shot him.

Question. Was he arrested?

Answer. Yes, sir.

Question. Subsequently, what occurred?

Answer. Subsequently, on one occasion, he escaped from jail, and was retaken, and finally was released from jail by a party who came to the jail one night and represented that they were a party from Choctaw, and were bringing a prisoner there, and got access in that way. It had been a custom—not recently, but some years ago—that prisoners would be brought from Choctaw to our jail here for security; and it was not unusual for the officer to receive prisoners from Choctaw. They gained access in that way, as stated to me by the jailer, and I have no doubt it was so.

Question. What do you know of the killing of a negro named Dennis Pearl, who was killed near Horn's Bridge?

Answer. He was killed in March, 1868. The circumstances attending his killing pointed to some negroes as the perpetrators, and one named Davis was arrested. After

being arrested he admitted participation in it, and stated that it was not him that did the shooting, but it was another negro, whose name I did not learn.

By the CHAIRMAN:

Question. Was Dennis Pearl a colored man?

Answer. Yes, sir. It was some private grievance between them; some feud or something of the kind; apparently there was no other cause.

By Mr. BLAIR:

Question. Was anything done with these men?

Answer. I do not remember whether there was or not.

Question. Do you know of the killing of Coblentz and the wounding of the negro, George Houston, the representative from this county?

Answer. That took place in this town.

Question. On the same night?

Answer. The two events were on the same night. I have here the statement of that as gathered from such sources as were accessible, and the verdict of the jury also, and some tesiimony taken before the jury.

Question. Give us that.

Answer. This occurred on the morning of the 13th of August, 1869. "Soon after 1 o'clock on the morning of the 13th, some of our citizens were aroused by a number of shots fired in the vicinity of Doctor Choutteau's residence, and by the screams of persons apparently in great distress. Inquiry disclosed the fact that a party of men in disguise had visited the residence of Choutteau, and, after entering his yard, had broken in a panel of a door leading from the passage into a room in which were the doctor and his family, and a Mr. Coblentz, who had for some time been serving the doctor as a body-guard." The house consisted of two rooms, with an open passage between. "After breaking the door, (according to the statement of Coblentz, as well as the testimony given below,) one of the party stuck his head through the broken panel and lighted a match. At this instant Coblentz, who was but a few feet distant, leveled his double-barreled gun and fired." I see no necessity for reading that, as here is the testimony taken before the coroner.

Question. Just read the connected account.

Answer. "He must have blown the man's head to pieces, as an entire human brain was found lying within the door—one hemisphere of which, we are told, was not mutilated. The person shot fell backward from the door, when another stepped to the opening and fired several shots at Coblentz, inflicting wounds from which he died before daybreak. The party then decamped, carrying with them the dead body of their late companion. The foregoing is a plain and correct account of the affair at Choutteau's, but as several versions of it have already been made public through the press, some of them erroneous in nearly every respect, we append the verdict of the jury of inquest, and the testimony elicited. Then follows the verdict of the jury:

"THE STATE OF ALABAMA, *Sumter County:*

"We, the jury, assembled by order of the coroner to hold an inquest on the body of John Coblentz, who was killed on the morning of the 13th of August, 1869, after being duly impaneled and sworn, and after a thorough examination of the body, and of all the witnesses at hand, do hereby report that John Coblentz came to his death from gunshot or pistol wounds, by the hands of one or more parties to the jury unknown; all of which is rendered as the verdict of the said jury of inquest.

"H. J. CARTER.
"W. D. BATTLE.
"W. A. C. JONES.
"ZAC. TUREMAN.
"L. F. WHITEHEAD.
"ROBT. TANKERSLEY.

"Subscribed and sworn to this 13th of August, 1869.

"B. B. SANDERS,
"*Coroner, South Carolina.*

"The testimony elicited during the inquest, and which accompanies the report of the jury, is as follows, omitting that of Dr. R. H. Arrington, who merely testified to the character of the wounds, and the immediate cause of death:

"Girard Choutteau, being duly sworn, testified as follows: John Coblentz was sleeping at my house on the night of the 12th of August. At about 1 o'clock heard noise of fence being broken down. Next heard parties in the passage beating down door of the room, in which Mr. Coblentz slept. Then heard shot fired from the room, after which repeated shots fired from the passage into the room. Heard groans in the room immediately after. Was in the house all the time. Wife and children were in room with deceased. Mr. Coblentz used a double-barrel shot-gun. Saw but two making

attack, masked and dressed in white. Shot at them myself, with a pistol. Did not recognize any of the parties.

"Mrs. Jane Morris, (Mrs. Jane Morriss, I will remark, was Dr. Choutteau's mother-in-law, I believe,) being qualified, testified as follows: When firing commenced, jumped out of the window. Saw a man, who asked who I was; told him Louisa; he said he did not wish to hurt me. I then retreated from the house. Saw but one man; heard others; do not know the number making the attack. Did not recognize any of the party; heard but one speak; heard my daughter begging them not to shoot.

"Mrs. Nancy Choutteau sworn: I was in the room occupied by deceased. Heard the fence, then the door, broken down. Saw two men come into the passage; one stooped down, with head in the broken panel; lighted a match, at which moment Mr. Coblentz shot with a double-barrel shot-gun. Saw the man fall. Had my hand on the arm of the person shot by Mr. Coblentz; was begging him not to shoot; did not see his face; did not hear him speak; he was in disguise. Both men were armed with guns; one came through the panel. Saw several shots directed toward Mr. Coblentz; heard him groan; saw him fall. The front window was broken in; heard men at the back door. The last two shots were from pistols, I think. Saw four men, and heard more around the house; did not recognize any of them."

This testimony coincides in every respect with the statements made by the witnesses to citizens who arrived at the scene of the tragedy a few moments after its enactment; except that Dr. Choutteau then said he had shot the man. When the dying Coblentz heard him say so, however, he remarked: "It is not so; I am the man who killed him." The inmates of the house stated that Choutteau hid under the bed when the attack was made, and after the assailants left he secreted himself in the loft and remained there until summoned by citizens to come down. If he fired a pistol at the assailants, he fired it from under the bed.

That concurred with the balance of the testimony. The only shot fired from the house was that fired by Coblentz. That is all that is material, I guess, with reference to the killing of Coblentz.

By Mr. BLAIR:

Question. Is there any statement there in reference to the pursuit of the parties?

Answer. Yes, sir.

"THE PURSUIT.—As may be imagined, these occurrences created no little excitement in the community, all feeling that the good name of our town had been endangered, and that justice demanded the detection of the guilty ones, if possible. Accordingly, at an early hour Sheriff Dillard summoned a posse and started in pursuit, being guided for two or three miles by traces of blood, flowing, doubtless, from the body of the man who had been killed, and which had been carried off to avoid detection. The party was traced through Brewersville, and at Moscow the sheriff learned from the negro ferryman that a party of six men had ferried themselves across the river about day-break. The river being the boundary between Sumter and Marengo, of course the sheriff's jurisdiction ended there; but before returning that officer took the precaution to notify the authorities of the latter county of what had occurred.

"From what we can learn the party alluded to did not consist of, at most, more than eight men; in fact, we have heard of no one who saw more than six, at any one time."

There was a negro made a statement to me; he said he was passing from some place, probably from meeting, at that hour, in the neighborhood of Choutteau's, and along the railroad track. After hearing the firing, which alarmed him some, he saw, I think he told me, three men approaching him. He got frightened and hid behind the little embankment of the railroad and saw them pass. He was the only white man who said he had seen them leaving. There were but three of them, he said, there that he saw.

Question. What is the statement, then, in reference to the attack on Houston?

Answer. Well, it seems that at the same time that a party visited Choutteau's house, another party called at Houston's, or at a house in the neighborhood, and they were pointed by a negro woman there to Houston's house. As they approached the house Houston seems to have been awakened by the noise, and opened the window-shutter, when, as he said, they fired on him. He returned the fire. While the firing was going on Houston's son, nearly grown, jumped through another window and ran off, and the assailants probably thinking it was Houston himself, or that he would bring assistance, started in pursuit. That ended it. They left the house in the direction that his son had taken who ran away. Houston had a flesh wound in the thigh, and claimed to have shot at least one of the assailing party.

Question. No one was ever arrested for the murder of Coblentz, was there?

Answer. No, sir; not that I heard of. In fact, I may say there never was.

Question. Did he used to make any threats about what he would do at the time?

Answer. I think it was the very next morning there were a number of citizens went there to see what had been done, and, among the rest, the marshal I spoke of. In fact, the remark I made some time ago in testimony, as having been made by Houston, was

made at the time: "that if this thing was not stopped, Livingston would be laid in ashes." It was at that time he made that remark to the marshal, Mr. Morette.

Question. What efforts did the town authorities make to prevent the recurrence of these attacks?

Answer. There was a meeting of the citizens called, I believe, or a conference, at least, between some of the different citizens and the negroes, in which they gave them assurances that, so far as they could, they would protect them against such outrages, and give them what assistance they could; but as there were still some apprehensions of the return of the party—the inference being that they would probably learn that Houston was not killed, and might attempt to come back—Captain E. W. Smith, the intendent, organized a patrol, and maintained it, I do not know how many nights, including all the able-bodied men in town. I myself served on it one relief. It embraced every able-bodied white man in town. The intendent required it of them. They were divided into reliefs and required to patrol the town all night.

Question. Do you know anything about the firing into Mr. Beasley's house?

Answer. I know that, as I know all the rest, from the account given of it.

Question. Did you have any reliable information in reference to it?

Answer. As I was stating before, I was editor of a paper, and I made an effort to get as reliable information as I could in reference to it. I had no personal knowledge in reference to it. It was in August, 1869. He heard a gun fired in front of his house, and his dog made some noise. It created the impression on his mind that somebody was trying to shoot his dog. A second shot was fired, and he then heard the cocking of a gun again, and two shots were fired, apparently discharging a double-barrel, both barrels simultaneously. A number of shots entered his room, which he was in the habit of occupying—buckshot—and came very near hitting a young lady who was a member of his family at the time, from her situation where she was standing. The whole family was aroused by the shot. From her statement of the position she was occupying, some shot must necessarily have struck her, but it happened that at that instant she was stooping to pick up an infant off the floor, and they passed over her. They remained in doors all night. Next morning they made examination, and found the track of a barefooted man, and, they inferred, the track of a negro, and there was subsequently a negro arrested for it—one, I think, that had formerly been employed on the plantation of Mr. Hunter. He was committed to jail, and is there yet, though I did hear the rumor that he had been bailed out.

Question. What do you know of the killing of the negro Isaac Hunter?

Answer. Isaac Hunter? There was a circumstance preceding the killing of Isaac Hunter which should, probably, be related. He was killed in April, 1870. He was driving along the road, a few miles from town. He lived, I think, about nine miles from town. As he was passing along, close by the residence of Mr. Kennedy, he was shot at, and, as he stated, by a negro named Arnold Lee; the statement to Mr. Kennedy by Hunter was that the negro, Arnold Lee, was partially behind a log. Some two or three weeks after that—I think it was about that long—there was a party of persons called at the house of Isaac. Attention was first called to them by the alarm given by a little dog; they came to the door and called for him. He got up to open the door, but his wife persuaded him to desist. He inquired who was there, and, I believe, the reply was made, "Friends," or something of the kind; at all events, he got on a chair, or some object, I forget precisely what was stated. This testimony came out before an investigation in the coroner's inquest—the preliminary examination in reference to it. He looked through an open space above the door, and tried to discern who they were; and, while looking, he was shot, and the top of his head was nearly shot off, and he was killed. The family secreted themselves under the bed and lay for awhile. They heard the parties walk off. After quiet was restored they slipped out, and ran to the residence of a Mr. Scott, living a short distance from them, and remained with him the balance of the night. Shortly before daylight, Friday, they discovered that their house was on fire, and it was consumed, with the body of Isaac lying in it. I heard this statement made by his wife and by one or two sons of his, before Major Herndon, who was examining the parties arrested for it.

Question. Who was arrested for it?

Answer. This same Arnold Lee, and, I think, two others; I have forgotten their names. They were arrested and committed.

Question. Upon what evidence?

Answer. Well, upon——, I don't remember what evidence, but it was altogether circumstantial. The witnesses went on to show the state of feeling existing between these parties previous to the killing, and some threats that had been made, and the actions generally of these parties preceding and subsequent to the killing of Hunter. The inference deducible from the testimony—I heard about all of it—was this: The negroes had regarded Isaac, who was an old man, as a conjuror. Arnold Lee's wife had died some time before that, after quite a lingering illness, and he would frequently accuse Isaac of having conjured his wife—thrown some spell over her, and produced her death. The old pastor of the negro church stated that there was a great deal of

feeling against Isaac, resulting from that thing; and one of Isaac's sons testified that this old pastor had on one occasion sent a messenger to Isaac, who was absent from church that day, advising him to quit the neighborhood; that the feeling was so strong against him that he had better move away. That was a portion of the testimony which was given. Parties testified to having met Lee on the road apparently going in the direction of Isaac's house that evening before dark. It was early in the night when it happened. At all events, Major Herndon saw proper to commit the parties. Some of them were committed, and a good many others were implicated, and it amounted to this: They were eventually dismissed at the instance of the solicitor of the county. I spoke to him about the testimony against them, and their being dismissed, and he remarked that "I had them dismissed under the belief that if there was nothing said about it," and apparently the thing had all died out, "there would be some developments that would lead to the detection of the really guilty parties after a while."

Question. Do you know anything of the shooting of Mr. J. S. Etheridge?

Answer. Yes, sir; as I know the others. I have a portion of it from Mr. Etheridge himself.

Question. State it.

Answer. Mr. Etheridge heard a disturbance in the negro quarters one night; I believe he heard somebody calling. He went out in his night-clothes, and he was shot so severely that his life was despaired of. No person dreamed of his recovery for many days afterwards; but he did finally recover, and he was in tolerable health the last time I saw him. The facts I believe to be about these: Three young men, Holloway, Knight, and Nagle, went to the negro house one night, for the purpose of whipping a negro woman. She resisted. Nagle, I believe, did not go to the house, but probably he held the horses of the party. The woman gave the alarm and called Mr. Etheridge, and, as I stated, brought him out, and, as he was passing by some little building, a carriage-house or something, they shot him and fled.

Question. Were they arrested?

Answer. Nagle was arrested. The other two fled, and have not been apprehended yet. Nagle was arrested. He was a simple-minded kind of man, of hardly sound mind. He was arrested and tried in our circuit court and acquitted. He was a person who was hardly responsible for his acts. He had been led by this man Holloway, and the testimony of those who were acquainted with them all went to show that he was liable to be influenced by Holloway at will; and I think, so far as he was concerned, that he did not know what their purpose was when they started on the expedition; that he remained some distance from the house holding the horses. At all events, he was tried in the circuit court, before Judge Smith, and acquitted.

By the CHAIRMAN:

Question. Did you understand what these young men were whipping this colored woman for?

Answer. I did; that Mr. Holloway had been trying to pay some attention to a daughter of Mr. Etheridge for some time, and he was very obnoxious to the family because of his reputed bad character; and he had accused this negro woman of giving currency to the rumors at the time. There was very little said about this, through respect to Mr. Etheridge's family, but it was generally understood through the neighborhood that that was the cause of it. He was a very dissolute, drunken fellow, but he has not troubled us since—he left the country at the time—and I presume never will. There was a reward of, I think, $500 offered by the neighborhood there for his apprehension, but he has never been found.

By Mr. BLAIR:

Question. There was a negro man named Enoch Boyd murdered; do you know the circumstances?

Answer. The evidences of who did that are only circumstantial. That was some time ago. I got these facts, a portion of them, from Major Harris of this place. In September, 1870, a party of probably fifteen to twenty-five negroes met in the northern part of the county, going through the country apparently very much exasperated, and looking for something, and carrying arms; they stated that they were in search of a man named Enoch Boyd; that he had committed rapes on several colored women, and behaved outrageously otherwise, and they were not going to give up the hunt for him until they got him and he was killed. Some days afterward Boyd was found, with every indication of having been murdered. An inquest was held upon him by Esquire Greenlee, in this county. Some negroes told awful stories of the crimes this man had committed, but how much was true I do not know. There is no doubt of their being on the hunt for him. Whether that party killed him or not cannot be determined.

Question. Were any of them ever arrested for it?

Answer. Not that I am aware of.

By the CHAIRMAN:

Question. Boyd was a colored man, was he?

Answer. Yes, sir; all were colored.

By Mr. BLAIR:

Question. What do you know of the whipping of Mr. Lovet?

Answer. There were two Mr. Lovets, an elderly and a younger man, came to this county some time back, from Mississippi, I believe, and located in the neighborhood above here. One night a party of men came to his house and gave him a whipping, and, I think, advised him to move away.

Question. What did they whip him for?

Answer. He had been playing Ku-Klux with the negroes in the neighborhood, apparently amusing himself with them, and had got them alarmed to such an extent that they were afraid to remain in the neighborhood.

Question. He had been Ku-Kluxing the negroes?

Answer. Yes, sir; he had been Ku-Kluxing the negroes, as they called it; and he did leave.

By the CHAIRMAN:

Question. Who Ku-Kluxed him?

Answer. It was not known who they were.

By Mr. BLAIR:

Question. Were they white men?

Answer. Yes, sir; they were white men.

Question. They whipped him?

Answer. Yes, sir; severely.

Question. Whipped him for Ku-Kluxing negroes?

Answer. Yes, sir.

By the CHAIRMAN:

Question. When did that occur?

Answer. In February, 1871.

By Mr. BLAIR:

Question. Do you know anything of the killing of the negro Anthony Rogers?

Answer. Anthony Rogers was killed this year, near Warsaw, by a negro, Harrison Little. It was a private feud. I think they were brothers-in-law; probably some family quarrel. He was shot, through a crack in the house, while he was sitting with his family. Harrison Little was arrested, and, I think, is there in jail now.

Question. Were there any other murders occurred among the whites during this period of which you have been speaking?

Answer. Yes, sir; there have a good many murders occurred among the whites, but they were all private quarrels or disputes. There are a number of them. There was one, it was not known what was the motive or object, or by whom it was done. There was a Mr. Stratton; that was in July, 1867; Mr. Stratton was shot in his bed one night at Gainesville.

Question. A white man?

Answer. Yes, sir; a miller, or machinist, employed in the mill there, a very worthy citizen. He was found next morning in his bed. The supposition is that he was shot from the window.

Question. Was no one arrested for it?

Answer. No, sir; I believe the perpetrators never were discovered. I think one or two negroes were arrested for it, but the examination elicited no evidence on which they could commit him, and he was discharged. In April, 1868, a man named Patterson killed a Mr. Bryan at Gainesville. It was purely a private quarrel. In April, 1869, there was a Mr. Scarborough killed by a Mr. Morris, down in this direction, southeast from here six or seven miles, at a place called Lee's Station, on the Selma railroad. There was another murder in this county, at Payneville, in January, 1870. Boyd killed Hopper in a drunken broil. In April, 1870, a young man named Meredith killed another named Rogers at Gainesville. Three of these murders took place in Gainesville.

By the CHAIRMAN:

Question. Was any one punished in either of these instances—hung?

Answer. Well, in this Patterson and Bryan case there was an arrest made, and the law took its usual course. I do not know what was the termination of it. Morris, who killed Scarborough, I think fled. I am not positive whether he was apprehended afterwards or not. Boyd, who killed Hopper, was the same. Meredith, who killed Rogers, is under bond now, I think—on bail. In each of these four cases where the perpetrators were known, the law took its usual course, except in one, where I believe the assailant took flight, and probably has not yet been caught. There may have been other murders that I don't remember now among whites and blacks. I remember one

in 1866. I just remember the circumstances. A negro killed two of his children, not intentionally. He was attempting to kill his wife, and shot two of his children, and wounded a third. There was another murder, as I am trying to recollect them all; there have been a great many; too many. A pauper in the county poor-house shot the overseer two years ago, and killed him; but these were all the result of quarrels or feuds or something such as murders ordinarily are. This pauper killed the overseer of the poor-house from some supposed indignity, or something of that kind.

By Mr. BLAIR:

Question. Do you know of any intimidation having been resorted to to deter or hinder the blacks, or any other persons, from voting their own opinions—voting in the way they desired to vote?

Answer. I don't know of any, except on the part of the Union League, or the Loyal League and its officers. At the time I spoke of hearing what was done in that League, that appeared to be the first object—to impress upon their minds the fact that if they voted for any but a republican for office, it would make them liable to some punishment. No punishment was ever expressed, but that was the idea held out to the blacks. And the obligation I have heard administered was that they should vote for none but republicans for office. I have seen tickets taken out of the hands of negroes—democratic tickets—and stamped in the dirt, and others given to them.

Question. At this poll here?

Answer. Yes, sir. The custom was, at the earlier elections held—for instance, at the election to determine whether or not there should be a constitutional convention called in this State, as well as at the one touching its adoption—for the negroes to come to the polls in regular order; march in companies with drum and guns, and their officers with side-arms; and they would be met outside of town some little distance and tickets furnished to the whole command; they would be brought up to the polls in that order, and if any white man looked at one of their tickets the ticket would be instantly re-inspected by one of their party. There were instances in which black men would not have voted if it had not been through fear. I remember one instance; quite a prominent negro in the county, who planted for himself for two or three years; he had no desire to vote at all; he talked with me frequently about it; but they kept at him to vote till, finally, he had to tell them, on election day, he had put it in, and the evening after the poll closed I happened to be sitting in the store in which he was acting as porter. He walked up to the clock and took his ticket out, and said, "I didn't tell them any lie; I put it in, but you mustn't tell on me."

Question. He put it in a box?

Answer. Yes, sir; put it in a box. With reference to intimidations I would like to add this: that the effects of intimidations were more apparent at the election last fall than at any previous time. There was a very large number of negroes voted with the democratic party in this election, and some others would have done so, but they alleged that they would be violating the oath they took upon entering the League, if they did so, and that they were afraid of the consequences if they should now go and vote for any other one than a republican. I remember one particular instance that occurs to my mind at this time, of an old negro who used to belong to Mr. Trott here, who is now intendant of the town. He was very desirous of voting, and he had assurances that he could do it with safety; that he would be protected in his choice—to vote as he pleased; but that fear was so firmly ground into him that he would not vote, and did not vote.

Question. He was anxious, you say, to vote the democratic ticket?

Answer. Yes, sir; but he was afraid on that account, and didn't vote. I have no doubt that Mr. Trott will substantiate that; he was an old servant of his.

Question. State the number of registered voters in the county in 1867.

Answer. That was the first registration—the military registration, as we call it. The total number was 4,628. Do you want the aggregate, or the blacks and whites?

Question. I want the entire number of registered votes, and divided as to black and white.

Answer. The whole number was 4,628; 3,671 were blacks; whites, 957. There were a great many whites who did not register at that time. They would not consent to it, and refused.

Question. What was the aggregate of the vote polled in the county on the question assembling a constitutional convention, October, 1867?

Answer. The whole vote was 3,126. There were only 20 white votes cast; or, at least, the 20 votes were against the assembling the convention, and were presumably from democrats. That 3,126 includes 150 voters whose names did not appear on the register.

Question. How did they get to vote, if they were not registered?

Answer. I cannot explain it. There were no votes objected to; any person could go and vote; and I presume the discrepancy was not discovered till after it was compared with the registration.

Question. Was it not the duty of the officers not to allow a man to vote who was not registered?

Answer. I don't know whether the officers had a copy of the registration lists or not. This is only a presumption of mine. I say I presume the fact was not ascertained till the poll-list was compared with the registration.

Question. What was the aggregate vote polled on the question of adopting the State constitution in February, 1868?

Answer. The aggregate vote was 2,467.

Question. How long did the election continue?

Answer. That election—the original order, I think, was for three days; subsequently, it was extended to include the whole week, making five days. But before the order was received here the time had expired. That is my recollection.

By the CHAIRMAN:

Question. How long did the voting continue?

Answer. Three days; that is, the poll was closed in three days. The voting ceased before that time.

Question. That was in February, 1868?

Answer. Yes, sir.

By Mr. BLAIR:

Question. In that election, what was the falling off from the colored registration?

Answer. It was 1,204.

Question. What was the falling off of the radical vote from the election of October, 1867?

Answer. It was 659.

Question. Was there any investigation made by Federal authority into the management of the election in which the State constitution was rejected, in February, 1868?

Answer. Yes, sir. I don't know whether it extended to every county in the State, but it did to a number of counties in this part of the State. There was an investigation made in this county by a military officer—I have forgotten his name—with reference to the manner in which the election had been conducted, &c. I saw him. He was here for some time. I made inquiries of him, and he told me he had been unable to discover any unfairness in the manner in which it had been conducted.

Question. What was the vote polled at the presidential election in 1860?

Answer. The aggregate vote of the county was 3,985.

Question. What was the vote polled at the gubernatorial election of 1870?

Answer. Three thousand four hundred and ninety-three.

Question. How do you account for the falling off of the radical vote from that given to General Grant?

Answer. Well, there were various influences tending to produce that result, one of which was that the League of which I speak was no longer in existence. These carpet-baggers, who had been manipulating the negroes, had left and were gone; and their organization was defective in consequence—not complete. A good many negroes who had quit them had taken an active part in the canvass. The county was canvassed very thoroughly by the white democrats; but there was no canvass on the other side to speak of. There was one meeting held, at which Governor Smith and Senator Parsons, and, I believe, Senator Warner spoke; but the canvass was all on one side, and every effort was made to enlighten the negroes.

Question. Did the speeches of Ex-Governor Smith and Senators Parsons and Warner have any noticable effect on the negroes who heard them?

Answer. They did not; not in the way in which, I presume, it was designed that they should have; but it did result in the negroes convening a meeting subsequently on the same day themselves. The speaking was at the court-house door, and after the adjournment some of the negroes organized a meeting up-stairs in the court-house, and I was told—I did not see or hear it—that they sent an invitation to those gentlemen, Smith, Warner, and Parsons, to come over and meet with them. There were several others in the party, but these were the only ones who delivered addresses.

Question. Did these negroes deliver speeches?

Answer. Yes, sir; several were delivered. I went up to the meeting from curiosity, and a number of other whites, and they wanted us to address them; but we declined doing so; told them it was their own meeting; told them to go on and conduct it themselves. They did so. There were a number of speeches made—if you call them speeches; there were some of considerable point.

Question. Do you recollect any speech that was made there that night particularly?

Answer. I remember several of them. There was one reported or published at the time.

Question. Have you got a copy of it?

Answer. Yes, sir; by the same negro who had that card published last fall.

Question. Let us have that speech; I would like to hear it.

Answer. The speech was, in general tenor, much the same as some others that were made.

The CHAIRMAN. [To Mr. Blair.] Do you think that important?

Mr. BLAIR. I think so.

The CHAIRMAN. What is the sense of the committee; I think it is running into too much detail to incorporate the speeches of candidates.

Mr. BUCKLEY. We have no opportunity to hear the speeches made on the other side.

Mr. RICE. Publish also the three speeches of Smith, Parsons, and Warner; it would be fair, general.

Mr. BLAIR. I think you have published their speeches.

Mr. RICE. Not in this evidence.

Mr. BLAIR. Yes, in this evidence—elaborate speeches. There has been an issue made in this committee in regard to the disposition of the negro population in this county and adjoining counties. It has been alleged that it is intimidation, by Mr. Parsons, and by Mr. Warner, and by others who have had the benefit of having their speeches published in this testimony. This negro's speech shows the motives the negroes had had in voting against the radical party here. It is not as long as your finger, but it discloses what animated the negroes on this occasion; and there can be no better testimony on the point, which has been made a great deal of as affecting the character of that election.

By the CHAIRMAN:

Question. Was the speech taken down word for word, or did you give simply the abstract?

Answer. I took it down from recollection; I heard the speech, and noted it at the time; others heard it; I suppose ten or twelve or, maybe, twenty white men there heard it.

The CHAIRMAN. Without desiring to have this made a precedent, if the speech is not long, and there is no objection, it may be introduced.

By Mr. RICE:

Question. Is the man that delivered that speech here?

Answer. Yes, sir.

Mr. RICE. I think it would be better to let him come and make it himself, the same as these others, of whom the general speaks, did their speeches.

Mr. BLAIR. You can call him, and, I reckon, he can make it. My object is not for him to make a speech now; I do not care for that. But there is a substantial charge and allegation that the votes in this county were affected by intimidation and fraud, and I want to show that here is a negro, considered a leading negro, who makes a speech here which, I think, is a very effective one. It is short, and it was made immediately after the meeting, on the same day with the meeting at which these distinguished gentlemen spoke. There has been evidence in regard to that meeting and the speeches made at that meeting by Governor Parsons and others. There has been testimony in regard to that, not only here, but in Washington—its conciliatory character, and all that. I think there can be no proper objection to the incorporation of this speech in the evidence.

The CHAIRMAN. The speech does not purport to be an exact copy or report of the speech made. Porter is here, and can be examined as a witness; and there is force in the objection made by Senator Rice; if you deem that evidence, it is probable that Porter is quite as capable of re-producing what he said upon that occasion as the editor who took it down afterward from recollection. I think we will exclude this evidence. If Mr. Porter were not accessible, I should be willing to let the speech go on record; but as he is within reach of the process of the committee, I think it would be better to allow you to call him.

By Mr. BLAIR:

Question. Did any white man make a speech in that meeting?

Answer. There was one made at my suggestion; a speech of about five minutes was made at my suggestion at the close of the meeting—I think the most effective speech I ever heard.

Question. By whom was it made, and what was its tenor and effect?

Answer. A. W. Cockrell, esq., of this place.

Question. Now, what was its tenor and effect, briefly?

Answer. The whole subject of the speech was this: By way of preliminary they had asked him to speak, and he had declined. I suggested to him to gratify them, and he did. He alluded to the former relations existing between the whites and blacks in this country, and the estrangement that had taken place at the instance of men foreign to both of us; at the unpleasantness resulting from it—the disquietude; that they had been taught to look upon us as their enemies, and then concluded by appealing to them.

Upon that point I remember he instanced the fact that he was indebted to them and the proceeds of their labor for the education he enjoyed, which enabled him to practice his profession: that they had been the playmates of his childhood; they had been associated together; he had always received kindness at their hands; that there was no reason for enmity; that such was not the case; that the people cherished the kindest feelings for them, and were ready to meet them half way; and that that state of feeling might be restored again. It was an appeal to them showing the absurdity, as he viewed it, of an existing antagonism between them and their interest, and the southern people's and theirs.

Question. This speech had considerable effect upon the blacks?

Answer. It had a very great effect. It left its effect so strongly on me that I felt satisfied there was not a negro who heard it who would not vote the democratic ticket.

Question. Did they vote the democratic ticket to any extent?

Answer. To a very great extent.

Question. I understand you to say that no inducements were held out to them that were not entirely proper and usual?

Answer. None whatever, in my knowledge; nor have I ever heard of any. There was one view presented to them which had great effect, and which we were very ready to concede. Then, as I said, a great many of the most prominent and intelligent negroes of the country were canvassing for the democratic party. I think the night before the election they held a meeting in this house, at which five or six speeches were made by the best informed and most influential negroes in the county. I learned after the election of negroes voting the democratic ticket whom I never would have suspected; and they never made it known until they ascertained that the democrats had been successful. I doubt if they ever would have made it known had they been defeated. At York station—I will speak of that particularly; a gentleman is here who will substantiate what I say—so far from any intimidation having been used, one gentleman, in particular, distributed both tickets, held them in his hand, and told them if they desired a radical ticket they could have it and vote it; and if any white man or other men interfered with their voting it, he would see that they had the privilege of voting it; I heard that gentleman repeat that within a few days.

Question. Who was that?

Answer. Mr. Socrates Parker, whom I alluded to before.

Question. Were there any representatives of the General Government present at the voting places in the county, at the election last fall?

Answer. There were Federal troops at all, or nearly all, the precincts. Perhaps there were two or three small precincts where they were not present. The voting was done in this court-house, in the presence of Federal troops in the yard.

Question. Did you hear any of these express an opinion as to the manner in which the election was conducted?

Answer. I heard many of the private soldiers speak of it. I don't know who they were. I heard Colonel Daggitt, who, I think, was second in command at the time, and who had been in command, say that he was present at the poll at Sumterville, and he never witnessed a more peaceable or a fairer election in any place.

Question. What has been the general disposition evinced by the democratic party, as a party, toward the negroes since they have been invested with the rights of citizenship and of suffrage?

Answer. The disposition has been to recognize all the rights with which they have been invested, and to treat them in a conciliatory manner. In fact, the disposition of the people has been rather to overlook their acts against our people, to excuse them on the ground of ignorance, than otherwise. I have in my hand some resolutions adopted by our county convention in 1868, in which reference is made to that. It has always been to conciliate them, and to point out what we believe their true interests. It was that which mainly won them in the last election; they had been deceived by promises, and the democrats never had made them and would not make them any they could not fulfill. A number of negroes referred that to me—that they had always been deceived in voting for the other party and they would quit it.

Question. What sort of promise did you hear the negroes say had been made to them by the other party?

Answer. It is the old promise that has been made all over the country, I suppose, of their getting lands; that the lands of the late rebels were to be confiscated and apportioned among them; that they were to have lands, &c., and to have office.

Question. Do you believe the acts of violence which have been spoken of in evidence, perpetrated against negroes or other republicans, were instigated by the fact that they were republicans?

Answer. I do not. I do not know of a single instance in which I could come to that conclusion.

Question. What are the grounds of your belief?

Answer. From the simple fact that some of the most obnoxious republicans we have ever had among us have never been molested. This Mr. Price, who was the grand

moving power in the League, and, I think, had greater control over the negroes than anybody else, and who, I further think, conscientiously, held the fate of this town in his hands, was known to live in adultery with a negro woman, and whose standing morally was a reproach to the community; used to sleep in the little brick office on the corner of this court-house yard, with never a window-blind between him and the outside, yet he was never molested. He traveled through the county registering voters, and he never was molested. There are others whose course, politically, was very objectionable to the democrats, and they did it with impunity. I conclude that, if the desire or intention had been to treat with violence any one on account of political proclivities, they would have been among the first ones.

Question. Was there an attempt made to mob certain negroes in the presidential canvass for hurrahing for Seymour?

Answer. Yes, sir; there was. It was in 1868, I think in July; there was a large parade of the League at this place; they afterward adjourned to a spring just outside of the town limits. The report in the street was that they were to have a trial of some of the members of the League who had offended. I do not know about that, or what transpired. I know some speeches were made, and as they marched back to town they were hurrahing for Grant and Colfax, and there were three or four negroes in town who hurrahed for Seymour and Blair as they were going by. It produced no great effect till after the parade was dismissed, when the crowd at once made a rush for them. Three of them took refuge in a drug store in the place, and as it was noticed, the people flocked there and got inside. The mob gathered outside, in front and rear of the building, with their guns and pistols, and called to bring them out to kill them. Presently the intendant came and made them an address from the steps of the store, and finally Mr. Price was brought there, and he got up and told them to disperse and go home, and they went. There is one instance of an attempt to mob or sack the town, general. In August, 1870, I think it was. There had been a call for a republican convention in this place on the 13th; I think that was the day; it elicited no particular attention; it was not an unusual thing to have political meetings. But about 3 o'clock on the evening of the 12th I received a dispatch from Boligee's, in Hale County, stating that Charles Hays was coming to Livingston with two hundred armed negroes if they could get them—if they would come—and if any disturbance occurred at the meeting they would take the place. I went out on the street with the dispatch and showed it to some parties. I saw several of our citizens in Captain Edwin Smith's office, discussing something; as I came in they handed me a dispatch they had received from Gainesville, from Mr. Snedicor of that place, stating that a hundred, or over a hundred—I forget the number—negroes had passed through town, armed, on their way to Livingston. About 10 o'clock that night—the succeeding night—there was a dispatch received from Demopolis, from the captain of a steamboat, stating that in passing down the Tombigbee River, between Jones's Bluff and Demopolis, he had noticed several gangs of negroes, armed, waiting to cross the river, their destination being Livingston; and not knowing their intention or what was going on, he felt it his duty to apprise us of what he had seen. These three telegrams naturally excited some apprehension, and word was sent through the neighborhood, asking for assistance, and in the morning quite a considerable number of whites collected here, and ascertained that the party approaching town from the north, in the direction of Gainesville, had encamped about two miles from town the night before; some of them came into town. Mr. Hays had not come; they found quite a collection of white people in town and the groceries closed, and they evidently anticipated nothing good of it. They lingered about the outskirts of town till toward evening and went home. Their conduct not only excited apprehension here, but in other parts of the county, and in Gainesville, where a portion of them had passed through; the editor of the republican paper there referred to it.

Question. Have you that statement, that extract from the republican paper?

Answer. Yes, sir; I have. You mean with reference to this matter?

Question. Yes.

Answer. I have that.

Question. Will you read that?

The CHAIRMAN. I do not wish to restrain the examination, but this seems going beyond the limits of examination.

Mr. BLAIR. I want to show that the editor of an opposition paper was aware of the impropriety of this going in arms.

The CHAIRMAN. You have the fact from this witness, and one or two others.

Mr. BLAIR. It is not usual to make rules of that sort. I supposed I had some discretion in adducing the evidence which I thought was proper for this side of the question.

The CHAIRMAN. I may be wrong about this. Gentlemen, you have heard the proposition of General Blair to introduce this newspaper article. I know nothing about its length.

The question being put, "Shall the paper offered by Mr. Blair be admitted?" resulted—ayes, Mr. Blair, 1; noes, Mr. Buckley, Mr. Rice, the Chairman, 3.

So the extract was not admitted.

By Mr. RICE:

Question. What is the length of the article?
Answer. It is only short; four or five inches.
Question. State the substance of that article.
Answer. I cannot do so.

By Mr. BUCKLEY:

Question. I would like to know the name of the paper, if it is called a republican paper.
Answer. It was called the North Sumter News, and was at the time the official organ of the county.
Question. Is that the reason you call it a republican paper?
Answer. It advocated the election of the republican candidates, according to my recollection.
Question. In what election did it advocate the election of the republican candidates?
Answer. It advocated the election of William H. Smith as governor of this State.
Question. Last year?
Answer. I am not so positive about last year as the year before. My impression is it did last year.
Question. That it did last year?
Answer. Yes, sir.
Question. Who is the editor of that paper?
Answer. The editor at the time was Mr. Coward. I inferred that it was a republican paper from this fact additional, if I may be allowed to state it: that under the laws of this State, enacted by a republican legislature, the legal advertising was prohibited from being put in any paper that did not support the government. I was at the time publishing what was called a democratic paper, and the advertising, under that law, was taken from me and given to that paper, because my paper did not support the government, in the view of the probate judge.

By Mr. BLAIR:

Question. Do you not know the fact that it was published as a republican paper, and accepted as such?
Answer. It was accepted as such by the community; certainly it was.
Question. Have you any well-settled opinion respecting the existing cause of the social disquiet which has existed in your county between the races?
Answer. I have.
Question. State it to the committee.
Answer. I think the whole trouble and all the disquiet that intervened between the time of which I spoke of that good state of feeling having terminated, and within a year past, is attributable to the presence of these adventurers who came and essayed to take the negro under their control. I come to that conclusion from the fact that before their advent there was nothing of it. Both races were getting along very harmoniously; the kindest feelings existed among them; and quiet has been restored, and a much better state of feeling, since they left. I have conversed with a great many negroes. I have asked the question whether they have seen any change, and the answer has uniformly been that they have; that they feel better satisfied; that there is more confidence, and they feel greater security.
Question. According to your observation and knowledge, are the relations of the white and black races now of a cordial and kindly character?
Answer. They are. I know nothing to the contrary.

By Mr. RICE:

Question. A colored man would be in no danger in any part of the county on account of being a radical?
Answer. I think not. There are radical black men in every part of the county now, and have been.

[At 6.15 p. m. the committee adjourned until to-morrow, November 1, 1871, at 9 a. m.]

WEDNESDAY, *November* 1, 1871.

BENJAMIN F. HERR recalled.

By the CHAIRMAN:

Question. You stated in your examination yesterday that you went to Missouri in 1853, and lived there until 1861; where did you go then?
Answer. I entered the Missouri State guard in June, 1861, and remained in the State, in service in the Missouri State guard, until the latter part of December, 1861, or beginning of January, 1862, I do not remember distinctly.

Question. Where did you go then?
Answer. I entered the confederate service.
Question. You had been in the Union service before that, had you?
Answer. No, sir.
Question. Did you remain in the confederate service until the close of the war?
Answer. Yes, sir.
Question. In what capacity; as a private or as an officer?
Answer. I had been a private; afterward as an officer.
Question. What rank did you attain?
Answer. Captain.
Question. You came here in 1865; what time in 1865?
Answer. I surrendered, my recollection is, on the 10th of May, 1865, and settled here immediately after.
Question. What time did you become editor and publisher of a democratic paper here?
Answer. I issued the first number of the paper on the 15th of July, 1865.
Question. How long did you continue its publication?
Answer. Six years.
Question. What was the name of the paper?
Answer. The Livingston Journal.
Question. During the time you were publishing this paper you had, I suppose, an extended exchange list?
Answer. I had quite a number of exchanges; not so many as the majority of papers have, according to my information. I exchanged principally with State papers, and with those I thought would be of use to me. There were a number of them, however, that I did not exchange with.
Question. Did you exchange with any republican papers?
Answer. Yes, sir.
Question. Published in the South or in the North?
Answer. In the South.
Question. How many republican papers are published at this time in the State of Alabama?
Answer. I cannot answer definitely. I know of two or three. I probably could name half a dozen. I would not be positive, though. I rarely saw more than one or two of them; in fact, I rarely saw but one. I saw another one that I would hardly class as a republican paper now; the one I referred to yesterday. And I would like, by the way, to correct myself, to some extent, with reference to that. I stated my belief, yesterday, that it supported W. H. Smith for governor in the last fall election. I referred to the files of the paper last evening, after leaving here, and I found it supported a mixed ticket at that election—a portion of the democratic and a portion of the radical ticket.
Question. Do you refer to the paper published at Gainesville?
Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did it support a mixed ticket for State officers?
Answer. Yes, sir.

By the CHAIRMAN:

Question. During the period you were editor and publisher of the Livingston Journal did you become pretty generally acquainted with the editorial fraternity of the State, and pretty generally acquainted with the leading democratic politicians in the State?
Answer. No, sir; I did not. I was rarely away from home. My business was such as to confine me closely, and I made very little acquaintance in either of those professions.
Question. Did you have much correspondence with them?
Answer. No, sir; very little.
Question. Do you know of any consultation or conference had at any time among democratic politicians to devise the ways and means of getting rid of any republican office-holders in this county or in this judicial district?
Answer. I do not.
Question. Have you any knowledge or information of any fund being raised or subscribed for to purchase arms and ammunition, or to pay for the hire of horses, saddles, bridles, &c., to be used by a secret organization of men, whose operations were to be conducted in a clandestine manner, and which looked to the employment of violence if necessary to accomplish these objects?
Answer. I have no knowledge whatever of anything of the kind; I never heard of any such thing.
Question. Have you any information whether any fund was ever raised, or attempted

to be raised, here or elsewhere, to defray the expenses of a secret order of men, organized, or to be organized, to correct certain grievances, or what were esteemed grievances by the community?

Answer. None whatever.

Question. Have you any information of the existence, here or elsewhere, at present or in the past, of a secret combination of men organized and banded together to redress what were supposed to be evils or grievances in the community?

Answer. I have heard of there being such organizations; I have never known of any; but for myself have never believed that there was any systematic organization of that kind in the State of Alabama. I have been in the confidence of the leading men of the democratic party of this county, and I believe if there had been any such thing contemplated or in existence, their confidence in me as editor of our paper here would have been such as to induce them to confer with me freely; but there has never been any such thing to my knowledge.

Question. You say "systematic combination." Do you know of the existence of any combination?

Answer. I will say, of any other kind of combination with such purpose in view.

Question. Do you know of any instance where a horse, saddle, bridle, pistol or gun, or mask or disguise of any kind, was hired, borrowed, or procured for the purpose of being used in an adventure of men banded together for any secret enterprise, or where you suspected these articles, or any of them, were to be used for such purpose?

Answer. I have no such knowledge or information.

Question. Have you any information that there now exists, or has at any time existed, in this community or elsewhere, any combination or organization of men, with signs and pass-words by which they recognize each other, formed for any of the following purposes: 1. To drive from the country objectionable persons; 2. To harass or molest persons odious for any cause; 3. To punish negroes suspected of theft or other crimes; 4. To influence negroes in voting or abstaining from voting; 5. To promote the success of the conservative or democratic party; 6. To obtain for the conservative or democratic party the political control of the State, and the possession of the offices?

Answer. I have none whatever.

Question. Have you no information that any combination of men has existed for any one of these purposes?

Answer. Not for any one of these purposes, or all of them combined, nor any part of them.

By Mr. BLAIR:

Question. As a matter of course there have been party organizations—combinations of that kind?

Answer. Yes, sir; certainly. We have maintained a democratic organization all the time, but never of the character referred to.

By the CHAIRMAN:

Question. You have heard of men banded together and in disguise visiting the houses of people of this county, have you not?

Answer. I have heard of such occurrences.

Question. They were organizations of men, were they not, for some specific purpose?

Answer. I could not say whether they were or not.

Question. What would you call them, then?

Answer. As to their organization, I could not say. They were certainly parties of men who did that; but whether it was a mere sudden gathering together or a systematic gathering or not, I could not say.

Question. You have heard that they proceeded in military style, have you not?

Answer. No, sir; I never heard that; I never heard anything of the manner in which they proceeded.

Question. Have you heard they were disguised?

Answer. Yes, sir.

Question. In similarity of uniform?

Answer. No, sir; I never heard they were in similarity of uniform. I heard they were in disguise.

Question. You have heard they had a leader, have you not?

Answer. No, sir; I never heard of any one being leader.

Question. How many visits by men in disguise have you heard of in this county?

Answer. I do not know whether I could name them all now. There was one visit to the house of Chouttean, to which reference was made yesterday; I heard of one having visited the jail and taken out the negro Jasper Alexander; I heard of another one that visited the jail and liberated Prator; I heard of one instance occurring, while I was out of the State recently, of taking a negro out of jail—I have heard of that since I returned. I can recall no other now—yes, I do remember one other: of parties visiting the house of a negro named Burke, at Gainesville. I cannot recall any other just on the moment.

Question. You have heard of a band going from this county to Meridian, Mississippi, have you not?

Answer. No, sir. I heard of a number of citizens going there, but not in the character of a band or organization, or anything of the kind—just a party of citizens going—each one independently, going himself.

Question. Did you hear that they went armed?

Answer. Some of them, I think, carried arms. How many I don't know.

Question. Did they go by railroad, or on horses?

Answer. It is the custom here now for a great many of the young men to carry small-arms—pistols—habitually.

Question. Is that the general practice of the community?

Answer. It is with some—not with the community—but with some of our young men it is a custom. They wear them almost as regularly as they wear their coats. It is a custom or habit of theirs. They have done it ever since the war, and probably did it before; I was not acquainted with them at that time.

Question. Is there anything in the condition of your society, in your opinion, rendering that practice necessary?

Answer. Nothing whatever. I go about myself, where I desire to go or please to go, but I never find it necessary to carry any arms.

Question. Does the law denounce and punish the secret carrying of arms?

Answer. I believe it does—the carrying of concealed weapons. The ones I refer to are not concealed; they are in sight, or partially in sight.

Question. How are they carried?

Answer. By a belt around the waist. There may be others, for aught I know, who carry concealed weapons; but of course I have no knowledge of that.

Question. Have you not seen them frequently with the handle of the pistol sticking out of the pocket?

Answer. No, sir; I do not remember of ever seeing an instance of that kind; those I am accustomed to see carrying weapons of that kind usually carry them in a scabbard belted around the waist.

Question. That manner of carrying weapons is not prohibited by your law?

Answer. So far as my knowledge of the law extends, it is not. I am no lawyer myself. I know, from what has transpired in our courts, that it is against the law to carry concealed weapons.

Question. Why should you object to negroes carrying arms if the whites carry arms?

Answer. I referred to the negroes carrying them on an occasion of public assemblage, when they were apparently marching and parading in military order—a thing I never saw among the whites; the arms they carried were principally shot-guns or old muskets, and under the command of a leader. The leader was wearing a sword, and attended with a drum, at the head of the procession.

Question. Is there anything in your law prohibiting such a procession?

Answer. I do not know that there is now; there was at the time a command prohibiting it—forbidding it.

Question. Was there great destitution in the country after the war?

Answer. There was.

Question. Much stealing?

Answer. A great deal, and it continued. It was worse some time after the war. I do not know or hear much of it now. But it existed to such an extent that a number of planters remarked to me that they had abandoned all attempts to raise hogs. Cows were frequently killed. It was not an unusual thing in this neighborhood—I am better acquainted with it—for a planter to find as many as a cart-load of corn-cobs in the center of his corn-field where the corn had been taken and shelled and taken away, &c. There was a great deal of stealing.

Question. Were there many poor white people in this county after the war?

Answer. I know of no cases among the whites of destitution. We were all comparatively poor. There were some, though, who owned no lands, and in that respect were poorer than others. But I know of none outside of the county poor-house who were not in a condition to maintain themselves.

Question. Before 1867, did you hear of any visitations by bands of men after night at the houses of negroes—any punishment inflicted upon negroes by bands of men?

Answer. I could not remember just the dates at which such may have occurred, but my impression is I never heard of any previous to the year 1867. I have no recollection of it.

Question. Your courts have always dealt with these crimes and misdemeanors by punishing the parties, wherever they were ascertained, have they not?

Answer. They have in some cases punished; but I will state what is an impression of mine, and what occurred to me at the time; I think there were many persons acquitted who richly deserved conviction. A great many of these minor offenses, cases of stealing, and in fact nearly all the cases of stealing and such minor offenses among the negroes, were for two or three years' time disposed of before the Freedmen's Bureau, and never got into the courts. They were summarily disposed of there.

Question. You spoke of negroes drilling at night after the Leagues were formed. Did you ever see them drilling at night?

Answer. I never saw them myself. As I stated yesterday, it was from information. I have had it from persons who did see them, and were very much annoyed by it and alarmed.

Question. You say they boasted what they could do. Did you hear these boasts?

Answer. I heard some such boasts. I heard Mr. Price.

Question. I am speaking of the negroes.

Answer. I instanced him as being the leader of them.

Question. I am speaking of the negroes.

Answer. I understand you. I never heard the negroes. I could not at least recall any particular one. I have frequently heard them speak in that way; not many of them either. There were few, comparatively, who were so outspoken.

Question. You speak of guns being heard fired off at night. Has not that always been the case here, more or less?

Answer. There is very frequently heard the reports of guns after night.

Question. You speak of what transpired in these Leagues. Were you a member of a League?

Answer. No, sir.

Question. Did you ever obtain entrance into a League?

Answer. No, sir.

Question. How could you hear, then, the speeches that were made in the League?

Answer. I would prefer being excused from answering that question, as it might involve me in some danger hereafter. I would state, what I did yesterday, that I had positive knowledge from observation and hearing. I was in a position to obtain such information.

Question. Did you obtain that position by the connivance of any member of the League?

Answer. No, sir.

Question. Do you know what obligation was administered to members of the League?

Answer. I have heard it administered. I could not rehearse it now *verbatim.*

Question. Were you in a secret position at the time, where you could hear it favorably?

Answer. Yes, sir.

Question. It was not known that you were listening?

Answer. No, sir; I had no idea it was, or I would not have remained there.

Question. You may give the substance of the oath that was taken, if your memory enables you to do it.

Answer. I only remember more distinctly those portions of the obligation in which I felt a special interest. The oath was something with reference to sustaining the Government. I don't know how much of it I can recall now.

Question. They did swear to sustain the Government?

Answer. Certainly they did.

Question. The Government of the United States, and the State of Alabama?

Answer. I don't remember of that. I remember something about supporting the flag. I remember the obligation to defend and protect each other. They had certain signs of recognition.

Question. What were those signs?

Answer. I could not give them now. They were some signs made with the arm.

Question. Did you observe the signs?

Answer. Yes, sir; I saw the signs; but I don't remember distinctly what they were I remember something; it appeared to me to be a key to the pass-words, with reference to three or four L's they made use of. I remember distinctly their obligating themselves to support none but republicans for office, and the usual obligation, common, I suppose, to all secret societies, to disclose nothing that transpired within the meeting

Question. Was there anything in the obligation which looked to a breach of the laws of the land?

Answer. Nothing, except the obligation to defend each other as members of the League.

Question. To what extent, or under what circumstances, or what were the limitations?

Answer. My recollection is, the language is "under all circumstances;" and I remember further they were obligated to obey the orders emanating from a regular officer of the League.

Question. What officer of the League?

Answer. I don't remember what officer it was, any more than that they designated at the time what officer.

By Mr. Rice:

Question. Did they have a book or manual from which they administered the obligation?

Answer. They had what appeared to be a manuscript manual. The obligation I heard administered was administered by Mr. Hayes; his side was toward me; I judged it to be manuscript. I remember one night he did not proceed with the whole obligation. There were three candidates before him; after proceeding a while he remarked that "That would do for to-night." They were new members of the League.

By the CHAIRMAN:

Question. Was this upon a lower floor or upper floor—the room?

Answer. Upper floor.

Question. Was any one privy to your taking these items, or did you act upon your own mere motion?

Answer. I acted upon my own motion.

Question. It was not prompted or counseled by any one else?

Answer. No, sir. I conceived it to be a duty I owed to the community, in the condition in which it was, to ascertain, if I could, what was being done there.

Question. Did you publish in your paper the result of your observations?

Answer. Not connectedly. I referred to several things that were done there; but never in a way to induce the people to believe that I had obtained personal knowledge of it. I would not have considered it prudent to have done so; I had a conversation yesterday with the former president of the League—the man who was presiding at the time I speak of, and he remembered distinctly the occurrences which took place on a certain night, which I related yesterday in my testimony.

Question. He has since become a democrat, has he?

Answer. Yes, sir; he now professes to be a democrat.

Question. Does he now disclose freely what transpired in the League?

Answer. No, sir. I never heard him say anything about what was done there further than what I spoke of as occurring yesterday morning. I asked him just in that way whether he remembered, on a certain night, of George Houston having said so and so. He said he did very well.

Question. Did you attend at your place of observation more than one night?

Answer. Yes, sir.

Question. How often?

Answer. I presume I was there three or four nights, probably more than that; I was there frequently; and I will state further that there was a position in an adjoining room in which much that transpired in the League could be heard; and I know of several persons being there and listening; much which was said could be heard there.

Question. No effectual precautions, then, could have been taken by the League to guard their proceedings from observation?

Answer. I cannot say what precautions were taken. There was a wall intervening between their room and the other room over which they had no control.

Question. Had they any guards stationed outside?

Answer. Not that I know of. The lower room was occupied by a reputed member of the League, and they entered it from his house.

Question. Did you enter the room in which you took your observations through his room also?

Answer. No, sir.

Question. Did you hear any acts of violence counseled in that League?

Answer. I heard George Houston state that if any member of the League refused to obey its orders his head should be brought to the block.

Question. Was he president of the League?

Answer. No, sir.

Question. Did he hold any office in the League?

Answer. I cannot say whether he held any at all or not.

Question. What response was made to that declaration?

Answer. There was no response made at the time. The declaration was made in the course of a speech he was making.

Question. You did not consider the balance of the members of that League responsible for what he said, did you?

Answer. No, sir; I could not say that they were responsible for what he said.

Question. Was it in the League you heard a negro say he had called a white man a liar in the streets with impunity?

Answer. Yes, sir; this same man Houston, in the course of the same speech.

Question. Did you consider that a piece of great presumption after the organic law had clothed him and all other blacks with all the political and civil rights which the white race enjoyed?

Answer. No, sir; I did not look upon it as a piece of presumption. It struck me at the time as being very inflammatory, considering the circumstances under which it was delivered.

Question. If the man had lied to him, it would not be an offense against good morals to tell even a white man he lied, would it?

Answer. There is no standard I know of for judging morals. I would judge it was not strictly good morals for a man to call another a liar.

Question. Under any circumstances?

Answer. A man might readily be provoked to it, and think it was right at the time. But I hardly think it is an evidence of good morals, at least.

Question. Who was the president of the League, Mr. Herr, at the time that you listened to its proceedings?

Answer. John W. Little.

Question. What office did Mr. Price sustain in the League?

Answer. I cannot state; I heard nothing from him in the League.

Question. Did you hear any of its resolves that, in your judgment, tended to violence or a breach of the laws?

Answer. No, sir; nothing in the form of a resolution.

Question. Did not all their resolutions look to peace and peaceable proceedings?

Answer. I do not recollect ever to have heard a resolution read or passed in the meeting. It was at a time when they were selecting candidates for the county offices; and the business, I think, of that meeting I knew of had reference to that. There was a considerable contest in the League as to the selection of nominees, and they had frequent meetings with reference to that subject.

Question. You were examined yesterday at great length by General Blair, in reference to the character and antecedents of Price, Rolfe, Hayes, Lane, Houston, and others; and also in relation to various acts of violence in Sumter County. I noticed that his questions were propounded to you from a written brief before him. Will you state whether you prepared that brief for him?

Answer. I did prepare a memorandum for him with reference to things of which I had knowledge.

Question. By whom were those questions drawn out that he propounded to you yesterday?

Answer. I do not know that I understand about how they were drawn out. I was asked by General Blair what I knew of occurrences in the county, and asked by him to prepare a memorandum touching such subjects as I had knowledge of, for his use.

Question. But this purported to be a long series of questions; did you prepare those questions?

Answer. I did. I put the most of the memorandum into the form of questions, as getting more directly and specifically at what I had knowledge of more tersely.

Question. I noticed also that you testified from a written memorandum before you; when did you prepare that memorandum?

Answer. I prepared that memorandum two or three days ago.

Question. I noticed, also, that you had several newspapers and slips from newspapers; when did you prepare and arrange those?

Answer. During the same time.

Question. Was any of this done before the arrival of the committee at this place?

Answer. No, sir.

Question. You prepared those questions for General Blair, then, with reference to the answers that you were prepared to furnish to those interrogatories, did you?

Answer. I prepared the questions upon matters of which I had knowledge, and from the memorandum I made up, myself, as refreshing my memory with reference to them, as I stated yesterday. I had a more or less distinct recollection of those things, and having an opportunity of refreshing my mind from what had been prepared by myself at the time of those occurrences, I took advantage of that for refreshing my memory.

Question. Did you have any consultation with Mr. Cobbs, or any other gentleman here, with reference to the matters upon which you should testify, or with reference to those questions?

Answer. No, sir.

Question. You heard nothing against Mr. Price until he became prominent as a leader of the negroes here, did you?

Answer. No, sir. He had been for some months before teaching a negro school, and I knew him when I saw him. His presence here was not a subject of remark. They all conceded that he had a right to be here and do as he pleased; he behaved himself apparently.

Question. He was a very bold, determined man, was he not?

Answer. He was, very; I think as much so as any man I ever saw.

Question. He was very much respected by this community for these qualities, was he not?

Answer. I think that all that had any knowledge of him acknowledged the existence of those qualities.

Question. Did you hear anything against Rolfe and Hayes until they became members of the Loyal League, and became leaders of the negroes?

Answer. They became members of the Loyal League, and I think were instrumental chiefly in organizing it, shortly after their arrival. Previous to that time I knew noth-

ing special of them, except that they were addicted to dissipation, and what are generally regarded by regular communities as immoral habits.

Question. Dissipation is not so uncommon a vice in this community that these men should be especially singled out and marked for that, is it?

Answer. I cannot say that it is customary, though in this community if a stranger makes his appearance we judge somewhat of his character from what we see of him, and notice him very particularly while he is a stranger, and if we find a stranger coming among us addicted to such habits, we generally form a rather unfavorable opinion of him. There is some dissipation among our own people, I am sorry to say.

Question. Is that an offense against which the community set their faces here?

Answer. A great majority of the best men in the community do, most decidedly: so much so that our town authorities impose a tax of, I think, a thousand dollars a year on a little grocery that is here, with a view of suppressing it if they can, or making it pay very liberally for the privilege. The public sentiment here is very much against the selling of liquors. I think there are but two of the stores in town that sell it.

Question. Do you know of this fraud which Hayes committed upon his partner in a matter of ten bales of cotton, from your own knowledge?

Answer. I do not know it from my own knowledge. I know it from a statement made by the attorney who was engaged to try to recover the value of the cotton.

Question. You say he had formerly been connected with the Freedmen's Bureau?

Answer. Hayes acted for a short time as agent for the Freedmen's Bureau.

Question. Had he control of the funds of the Bureau?

Answer. I cannot say.

Question. You never heard of any defalcation in that connection?

Answer. No, sir; I do not know to what extent his duties or authority extended. I know nothing of it.

Question. How do you know that Rolfe was in bed with a negro cook?

Answer. I learned it from a gentleman who discovered them there, and on whose premises it occurred.

Question. You have no personal knowledge on that subject?

Answer. No, sir; I was not there.

Question. Was he a young man?

Answer. He was a man I should judge to be between thirty and thirty-five years of age. I never learned his age. His appearance would indicate that.

Question. Is not that a very common offense in this community?

Answer. Not that I am aware of.

Question. Young men associating sexually with the colored women?

Answer. Not that I am aware of.

Question. Have you not heard it often mentioned as a very common thing in the community?

Answer. I have not, sir.

Question. There is a considerable proportion of your colored people that are of mixed blood, is there not?

Answer. There are some. What ratio it would bear with the mixed blood of other communities I have had no opportunity of judging. There are some mixed bloods here.

Question. What was the special purpose for which you introduced, and had made a part of your evidence in this case, the letter of Mr. Lane written in 1868? What was the particular fact in that letter which you wished emphasized?

Answer. I had no wish nor choice in the premises. The memorandum I handed General Blair was at his disposal to make use of it or not, or of such portions as he saw proper to use or not, and it is for him to state what object he had in asking the question. I only stated my knowledge in reference to that class of people.

Question. You placed that letter before him before you were called to the stand as a witness?

Answer. He saw the letter; yes, sir.

Question. This George Houston, I understand you to say, had a very fair, excellent character before he became a leader among his people?

Answer. I think I may say up to the time of the organization of the League his character was very fair. He frequently came to me to speak to me about his people, and other matters. I remember very distinctly that on one occasion—I think probably it was in the early part of 1867—there was a freedmen's convention, or a mass-meeting, called in Mobile, and counties were invited to send delegates, and George Houston, and perhaps half a dozen other colored men who had always enjoyed more or less of my confidence, and, I think, others, called upon me to consult about that matter of sending delegates there, and what it meant. I told them I could not tell what its purposes were; but advised them to send delegates; it was, professedly, in the interest of their people, and it would be well, at all events, to go and see what was done, in justice to themselves. And they did send delegates. George Houston, I believe, was one of them.

Question. I do not care about these details. I want to know when he became odious; did he or not become a marked man, odious to the community, after he became prominent as a leader of his people?

Answer. He did become odious to them; certainly he did.

Question. Now, you say he was known to have made threats that the town would be laid in ashes. Did you ever hear him make such threats as that?

Answer. I did not hear him myself. I stated yesterday that it was not personal knowledge.

Question. You say that he was heard to say that he could crook a finger as soon as any one. Give us the meaning of that.

Answer. I understood it to mean pulling a trigger.

Question. Did you hear him say that?

Answer. I did not.

Question. If he had said it, and by it referred to his defense of his person, or his rights, would you think him blamable for uttering such a sentiment as that? Do you not think a black man has a right to pull a trigger, as well as a white man, in defense of his person and house?

Answer. I recognize that right in every one; certainly I do.

Question. And if these negroes were counseled to defend themselves in their persons and houses by their leaders, do you regard that as incendiary or inflammatory language?

Answer. I do not.

Question. In 1868, you say, some intelligent negroes quit the League, and among others the president?

Answer. Yes, sir; Little.

Question. Could he read or write?

Answer. Yes, sir; both.

Question. You spoke of Syd. Porter also. Could he read or write?

Answer. I do not know whether he could read or not.

Question. Have you ever understood that he could either read or write?

Answer. I have not.

Question. Then how did he compose this card which you read as his production, with slight alterations made by you in matters of etymology or orthography? How did he compose that article if he could not read or write?

Answer. I presume he could do it, as many other men who could compose but could not write.

Question. I desire you to answer this committee whether he wrote a word or a syllable of this address, dated July 18, 1868, addressed, "Ladies, gentlemen, and fellow-citizens?"

Answer. I cannot say whether he did or not.

Question. Did you not compose every word of it?

Answer. No, sir; not one word of it.

Question. Who did compose it?

Answer. I cannot say. The manuscript was handed to me; but who wrote it I cannot say.

Question. Whose handwriting was it?

Answer. I did not recognize the handwriting. It was handed to me by himself.

Question. Did he read it to you or in your presence?

Answer. No, sir.

Question. Could he read one word or syllable of it?

Answer. I do not know.

Question. Did you ever hear that he could read?

Answer. I never heard that he could.

Question. Did you ever hear that he could write?

Answer. I never did.

Question. Have you no idea or information who composed this for him?

Answer. None whatever.

Question. Who was his counselor and adviser at the time?

Answer. I cannot say.

Question. Have you not every reason to believe that that address was written up for him by some white democrat?

Answer. I cannot say I have any reason to believe it. I have heard him make speeches in exact conformity, I may say, or in general conformity with just the ideas expressed there. It has been customary with colored people here who cannot write to get some friend to write for them. I have done it for them frequently.

Question. How many negroes in the community, so far as your information extends, are able to write?

Answer. I do not know how many. There are quite a number of them.

Question. A dozen?

Answer. Yes, sir. I think fully a dozen—more too, probably. I know a number can.

Question. Have they learned since the war to write?

Answer. I cannot say; some of them could do it before the war.

Question. Was it not a punishable offense to teach them to read or write before the war?

Answer. Not in this neighborhood, as far as my knowledge extends. I was not a citizen here at the time; but from what I have heard from whites and blacks, it was no offense whatever.

Question. Was it not an offense against the law to teach a negro to read or write before the war?

Answer. I cannot answer as to law. I know it was not against custom; it was the custom.

Question. Did you ever understand that a negro went to school before the war?

Answer. No, sir.

By Mr. BUCKLEY:

Question. I will ask you if the teaching of a negro to read was not positively forbidden by law in this State?

Answer. I cannot answer what the law of this State was previous to the war, as I was unacquainted with it, and resided in Missouri. But I have learned from whites and blacks both that it was not an unusual thing for negroes to be taught to read and write in families.

Question. But they were taught in violation of law?

Answer. It may have been a violation of the law of the State. I do not profess to say what the law was, for I am entirely ignorant of what it was. If it was a law, it was a law which I would consider inoperative at the time, because it was violated, and no complaint made of the violation of it. I never heard of an instance where a man had been punished for doing it.

By the CHAIRMAN:

Question. Did you ever hear Mr. Sydenham Porter in any of his public addresses utter a sentiment like this: "We must always recollect if anybody is to blame for our bondage, it is all the people of the United States, and not the southern people alone."

Answer. I have heard him employ that sentiment?

Question. Was he a reader or writer?

Answer. Not that I am aware of. He had doubtless heard that sentiment announced by the white people here before that time.

Question. I see in this card that he speaks very flippantly of scalawags and carpet-bagger politicians. Have you ever heard him use those offensive epithets in his public addresses?

Answer. I have frequently heard him do it in public addresses, and if anything more pointedly than it is in that card.

Question. He has had a good many democratic audiences since his conversion, has he not?

Answer. There have been generally democrats present when he delivered addresses, whenever it was known he was going to speak. He delivered one address in the public square at the only general mass-meeting of the democrats in 1868, at which Colonel Taylor delivered an address. An opportunity was then afforded to such colored men as wished to speak, and both democrats and radicals spoke at the same meeting. I remember one very violent radical got up and made a speech in behalf of his own party. Several colored men spoke on that day.

Question. In speaking of Mr. Little organizing the League of which he was president, you say that the reason he resigned was that the League had been diverted from its original object?

Answer. Yes, sir.

Question. What did he say was its original object; and in what did he say the diversion consisted?

Answer. I could not state from recollection. I have his printed card, written by himself, and in his own language, in the files of my paper, which I could produce. He can write; and it was so well written that I made no alteration whatever in any respect in it—possibly, in othography, but I am not certain as to that. He was a teacher himself, teaching a negro school, and he can write a very fair letter.

Question. Was it in the early days of the League that you became cognizant of its proceedings and purposes?

Answer. I don't remember the exact dates. I think it was in the beginning of 1868.

Question. Did these proceedings and purposes of the League command the approbation of Mr. Little at the time that you were a listener?

Answer. I can only judge from general circumstances—expressions of his, afterwards, from which I inferred that they did not.

Question. Then this was not an early period in the formation of the League, when

you listened to these proceedings? because I understand you to say that he only became disgusted after there was a diversion from the original purposes of the League.

Answer. I think it was in 1868. The League, as nearly as I could say, was organized in the beginning of 1867. It was about the time they were nominating officers to be voted for at the election at which the constitution was submitted, and there was quite a dissatisfaction among them, so much so that eight or ten, or probably a dozen, published a card.

Question. That was in the beginning of 1868?

Answer. Yes, sir; dissatisfied with the nominations made, and they went so far as to bring out some other candidates.

Question. That dissatisfaction, then, consisted in their not being satisfied with the nominations made.

Answer. That was one cause of the dissatisfaction.

Question. What was another?

Answer. I cannot say, only as I inferred from what Little stated in his card as the reason for withdrawing.

Question. What did he say beyond that, as his reason for withdrawing.

Answer. I do not know that I can give fully, or with any degree of fullness, his reasons. It was, as I stated that it was, being diverted from its original purpose.

Question. That is just what I want to get at. Wherein did he say the diversion consisted?

Answer. I do not know that he stated wherein it consisted. He stated this, I know, that the conduct of it was calculated to stir up bad feeling. I could produce his card, which would speak for itself.

By Mr. BLAIR:

Question. I wish you would bring that in, I would like to see it.

Answer. I could produce it in a few moments.

By the CHAIRMAN:

Question. You gave in evidence yesterday a communication made on the 14th December, 1868, by Mr. Choutteau to the editor of the Alabama State Journal, and you proceeded to state that you had investigated afterward the character and extent of his losses, and found his statement to be untrue in material respects. You may state the occasion of your instituting this investigation?

Answer. My motives, you mean?

Question. Yes, sir.

Answer. I conceived that he had misrepresented the community in which this had occurred, and that he was proclaiming to the world a falsehood, with the view of exciting sympathy; that he was about calling upon the legislature of the State to indemnify him from the public Treasury for his losses. I then began my investigations. Those were my motives, chiefly, in doing it; in fact, that was my sole motive, perhaps, you may say.

Question. You wished to protect the public treasury from being robbed by him, and you wished also to preserve the good character of this community from stain.

Answer. I certainly did.

By Mr. RICE:

Question. Did you regard the character of the offense as modified by the fact that the loss was less than he stated?

Answer. I certainly did not; but I conceived that if he made a misstatement in reference to his loss, he would be liable to make a misstatement in reference to other particulars; it went to his credibility. Every statement had been denied by persons in the community.

By the CHAIRMAN:

Question. Did you ascertain that the statement he made about being shot at by a ruffian, on December 7, 1868, when two of his children were sick with the fever, was untrue?

Answer. I could not find any person who had any knowledge of it. On the contrary, they expressed the belief that such an occurrence never had taken place.

Question. How far was his house from any of the neighbors?

Answer. I do not remember the distance, I have heard it stated, probably.

Question. About how far?

Answer. It is quite a thickly-settled neigborhood, and I cannot say whether a quarter of a mile or a mile.

Question. Could there not have been a shot in the night-time without the neighbors knowing anything about it?

Answer. Probably there could, and probably not. I don't know how near they were to each other.

Question. How, then, could you disprove this statement?

Answer. I do not pretend that I have disproved that statement.

Question. How do you know, then, that it is not true?

Answer. I do not know whether it is true or untrue. I have my belief, but I don't know.

Question. I have no objections to your belief, if you give the facts upon which your belief is founded. Mere belief is nothing.

Answer. I believe, from the character of the man, what I know of his character, and inquiries I have made respecting it, that it is untrue.

Question. You have given two reasons: First the character of the man, and second the inquiries you have made. Now tell us what the inquiries are upon which that belief rests?

Answer. I inquired whether such an occurrence had taken place.

Question. But you say it could have taken place and none of the neighbors have known anything of it?

Answer. I say so still.

Question. Then your inquiries upon that head did not amount to anything; for such a thing might have occurred in the night-time easily without anybody knowing anything about it?

Answer. Still, to meet that is the probability that they might have heard it. As to whether it did happen, simply because it could have happened without their hearing it, I do not think that sufficient for believing it did, nor that it did not happen, because they did not hear it; I do not consider that sufficient ground either.

Question. Have there not been three rescues of prisoners from your jail, in the center of your town, two of the men taken out and shot and killed, and nobody in the town knowing anything about it till next morning, except the jailer and sheriff?

Answer. That is true, so far as my knowledge goes.

Question. Yet you think it probable that in the country where there was not a house within a quarter of a mile, no shot could have been fired at Dr. Choutteau without somebody hearing it?

Answer. I have not stated that I thought it improbable; I have not made any such statement.

Question. He states that on Thursday morning following the 7th of December, 1868, he took his wife and two children—the sick ones—in his wagon, and removed them to Livingston, leaving his aged mother-in-law, about seventy years of age, and oldest son, about eight years of age. Did you find that fact to be true?

Answer. My recollection is that his mother-in-law was there; I don't remember whether his son was or not.

Question. The main fact is that he moved here to town. Did you find that to be true?

Answer. He may have moved here; I have no knowledge of his coming here. My impression is that he came after the burning of his house.

Question. He states that after he left on Wednesday, December 9, an armed mob came to his house and burned up his house and everything that he had, &c. Have you any doubt of that fact?

Answer. I have no doubt the house was burned.

Question. Have you any doubt it was burned by a mob?

Answer. I cannot state whether it was a mob; I have no doubt it was burned by one or more persons. The statement, I believe, made by his mother-in-law at the time was, that there were four persons seen there.

Question. Do you believe that statement?

Answer. I think it a probable statement; I cannot say whether I absolutely believe it or not.

Question. Why do you believe everything said of Price, Hayes, and Rolfe, mere rumors, and yet hesitate to give credit to the mother-in-law of Dr. Choutteau?

Answer. My belief is affected by the circumstances; I know nothing whatever of Dr. Choutteau's mother-in-law; I don't know anything about her, Mr. Pratt.

Question. Did you ever hear it doubted?

Answer. I don't know. I was going to remark, my recollection is not distinct whether this came from her or somebody else—that there were four persons seen there.

Question. I understood you to say you heard her say so.

Answer. No, sir; I did not hear anything myself.

Question. From all your inquiries, have you any doubt that there were at least four men concerned in the burning of that house?

Answer. I cannot answer that question as to my doubts how many were there. It was rumored that there were that many there; I cannot say I believe there were four, or three, or five; I have no doubt the house was burned. No doubt it was set on fire; but I have no settled belief as to the number concerned in it.

Question. Did you also inform yourself that the contents of the house were burned; everything burned in the house?

Answer. I have no doubt of it; I never heard anything to the contrary.

Question. But you say there were only three bales of cotton; how do you know that? He says eight bales of cotton which he had stored in his house—some packed, and some cotton in the seed?

Answer. I received the statement from parties who were conversant with matters about his plantation—neighbors. The statement was that all the cotton, save three bales, had been shipped.

Question. You know nothing of that subject yourself?

Answer. No, sir; I never professed to give it from personal knowledge.

Question. Had your informants been in the doctor's house the day before it was burned?

Answer. I cannot say whether they had or not.

Question. Had they been there within a week before it was burned?

Answer. I do not know.

Question. You do not know whether they were telling you the truth or not?

Answer. I do not know. I could not swear to their statement being true.

Question. This statement proceeds as follows: "They drove my brother-in-law out of the house, as also my little son, out in the woods a bitter cold night, allowing them nothing to carry with them." Did you inquire whether that statement was untrue, or true?

Answer. I did not.

Question. Did you learn that there were any members of his family in his house at the time it was burned?

Answer. Nothing, only from his statement.

Question. Have you any reason to doubt it?

Answer. No, sir; nothing except in relation to his general reputation for correctness.

Question. I will come to that directly. He states that he built the house only a year before, and it cost him $1,500 to build it; have you any knowledge on the subject of the value of the house?

Answer. No, sir; only the tax-list, which was made out and sworn to by himself.

Question. Did you converse with any of his well-informed neighbors as to the character of the house, to learn whether it was a new house and what it cost, or was worth?

Answer. It was an old house. I learned from the owner of the premises that Dr. Choutteau had made some repairs on the house. That is my recollection; but there was a house there when he bought the place, and the house he was living in he had repaired; I do not know to what extent.

Question. His statement, then, that it was worth $1,500 may be true?

Answer. It might be true; I do not know what the place is valued at. The only means I had of ascertaining the value was from the tax-books.

Question. Was not that made up for the purpose of blasting his character for truth and veracity, throwing discredit on his whole statement—was not that investigation of the tax-list made for that purpose?

Answer. No, sir; but it was, partially, if I recall your question, upon the appearance of that published letter. I made inquiries as to his losses; and some of those of whom I inquired ridiculed the idea of his having lost such an amount, and some one suggested to refer to the tax-books, and I could ascertain exactly what he was worth; and I went then and made the transcript.

By Mr. RICE:

Question. Did you know how long the assessment was made prior to the burning?

Answer. The same year.

By the CHAIRMAN:

Question. Was it subscribed and sworn to by him?

Answer. Yes, sir.

Question. What was the date of that?

Answer. I do not know; you can find it here.

Question. He states he had always paid his taxes; did you ascertain whether that was true?

Answer. I cannot say, I did not ascertain. I was looking for the value.

By Mr. RICE:

Question. Do they assess here at full value?

Answer. I do not know whether they do or not. I presume they do not. I think it is customary every place to assess rather under the full value.

By the CHAIRMAN:

Question. Does the man here swear to the value of the property, or simply swear to the list of the property?

Answer. He is required to give a list of the property and the value of it.

Question. Is he requried to swear to the value of it?

Answer. Yes, sir.

Question. Is it customary to swear up to the cash value?

Answer. He has to swear to the list he has made.

Question. Is it customary in this community, when people here value their property for taxation, for them to state its full cash value?

Answer. I do not know whether it is the custom or not; it is my own custom. I do not know the custom of other people.

Question. If you have examined the tax-lists, and lived in this community for six years and been an editor, you certainly have informed yourself on that point.

Answer. I have not examined the tax-list, except in business affecting myself, or in this case, with a particular object. I have never examined it with a view to ascertain how high they rated property.

Question. Have you no information whether it is customary in this community that property should be valued by the owner, for purposes of taxation, at its full cash value?

Answer. I do not know of any prevailing custom. There are doubtless men who, in making out tax-lists, will give a full and fair valuation. I have no doubt there are others who take out a margin and put in a lower rate. I know my own custom positively, and I do not know any other positively.

Question. This is a matter that is generally a good deal talked about, about what this and that man gives in his property at?

Answer. Yes, sir; I have heard of an instance where the man had only given his property in at so much. So I say the custom is by some to give in a fair value, and others to cut under.

Question. Is it not according to the general practice, too, that the property should be generally undervalued for taxation?

Answer. I cannot state the general custom.

Question. He states in this communication that an armed mob came to his plantation and killed a colored man, and would have killed him if they could have found him; did your investigations satisfy you of that fact, that a mob or band of men had previously come to Dr. Choutteau's house for the purpose of either killing him or inflicting upon him bodily harm, and that they did not find him there, and they on that occasion killed a negro?

Answer. I have no recollection of such an occurrence.

Question. Did you not testify yesterday that a negro had been killed upon his plantation, but killed by mistake?

Answer. I did.

Question. What were they there for, if it was not for Dr. Choutteau?

Answer. I stated that they were looking for a negro who had attempted to assassinate Mr. Bryant Richardson, and that negro was in the habit of frequenting Dr. Choutteau's plantation, and they went on that plantation with a warrant for that negro.

Question. Did you not understand that they were after Dr. Choutteau also?

Answer. No, sir; I never heard the matter suggested.

Question. Did you ever hear that he was fired upon upon his own plantation?

Answer. I never heard that, except the statement he makes there that he was shot at.

Question. You never heard it from anybody else?

Answer. No, sir.

Question. I understood you to say he became a great leader of the colored men, trusted by them, and had great influence over them; was that the case?

Answer. I do not remember having said so.

Question. Perhaps I have confounded your statement with that of a previous witness; was that the fact?

Answer. He had a very great influence with the negroes in his neighborhood; but this I will preface by saying, I have not, from my own personal knowledge, but common report in the neighborhood, that the League in that portion of the country was in the habit of meeting on his place, and it was his custom, for a length of time, to have an armed guard furnished him regularly, about his premises, from the League.

Question. Why was that, unless he had apprehensions of bodily harm or that his premises were in danger?

Answer. I cannot say.

Question. Why was that, unless he was odious to a certain portion of the community?

Answer. I cannot say why he desired the guard, or had it there.

Question. You know nothing of its necessity?

Answer. I know nothing of its necessity. On the contrary, I believe there was no necessity for it.

Question. Why do you say that; you have given us your belief; give the facts upon which you base that belief?

Answer. They are these: I have frequently talked with persons in relation to Dr. Choutteau, but I never heard any expression from them which led me to believe that Dr. Choutteau was in any danger, or could reasonably entertain any apprehensions for his safety.

Question. Then you never heard any expressions from any source which could have led you to think that he had reasonable apprehension that his house would be burned?

Answer. I never did.

Question. Does not the fact that his house was burned, and its contents, indicate that his person also was in danger?

Answer. I do not think it does, necessarily.

Question. Tell us the reason, if you please, for drawing that distinction.

Answer. Because I believe many men would not hesitate to destroy a man's property who would not contemplate taking his life. I do not think that, because a man would be ready to fire another's premises, he would be ready to murder him.

By Mr. RICE:

Question. Do you think he had any reason for having a guard at his house when he lived here?

Answer. None whatever.

Question. You think the fact that they did assail his house and kill his guard, and try to kill him, was no evidence of the necessity for a guard?

Answer. I do not think there was any necessity for it.

By the CHAIRMAN:

Question. Do you think there was any necessity for a guard upon the jail?

Answer. Yes, sir; I think it would have been better to have had a guard there at times; but, in reference to Mr. Choutteau, in reply to your general question, when we learned what had occurred at Choutteau's premises, I do not think there was a member of this community who was not astonished—taken by surprise—that such a thing had happened. Such a thing had never been anticipated. So, in reference to inroads upon the jail, I said that, if the community had had any intimation that such an effort was about to have been made, there would have been a guard there; but these parties came stealthily, and when nobody was about, and it was not known till afterward.

Question. Why, after two rescues and one murder had been committed at the jail, did not the good people of this county take measures to prevent the recurrence, after two such flagrant examples?

Answer. I cannot say why they did not.

Question. There was no attempt made—no one punished?

Answer. We have a regular officer here, in whose custody the jail is, and he has full authority, if he deems it necessary, to summon out men.

Question. And the whole responsibility rests on him and not on the community?

Answer. I think the responsibility rests mainly on him.

Question. Then, if you have an inefficient and worthless sheriff, there is nothing for the good men of the community to do?

Answer. Yes, sir; I think they have a very important duty to perform, that is to get rid of him and get a better man. We are trying to do that now.

Question. Have you not got a good sheriff now?

Answer. I do not think he is an efficient sheriff, by any means.

Question. Does he vote with the democratic party?

Answer. I believe he does. He is a personal friend of mine; but, speaking in view of my obligation here, I consider him an inefficient sheriff. He claims to be a democrat. He was appointed by Governor Smith, of this State, a republican; but he professes to be a democrat, I believe.

Question. You did find that Dr. Choutteau was the owner of 320 acres of land, but not paid for?

Answer. Yes, sir; so stated by the person from whom he purchased it.

Question. What was the balance of the purchase-money behind?

Answer. I do not remember. My recollection is, that the gentleman said he had made a small payment.

Question. How was it improved? What was the value of the improvements?

Answer. I cannot tell the value of the improvements.

Question. Perhaps the land was poor, so that the whole payment would not have amounted to much.

Answer. What the amount of the original purchase was I do not remember either; but I will say this: that farming lands in that community rate very well in comparison with the lands in any other part of the county. It is one of the heaviest cotton-growing regions in the county.

Question. You do not know anything about how much he owed on the land, or whether he owed anything except what Mr. Ormond told you?

Answer. No, sir; nothing else.

Question. You did find that he returned his interest in that land at $960, in that property?

Answer. He returned it in his own name; he returned it as his own, and valued it at that.

Question. Did the list say he owned it?

Answer. The list said, "the property of Dr. Choutteau," as all other tax-lists do. The owner of the land pays the taxes, no matter who occupies it.

Question. After he sold it?

Answer. The ownership of the land was in Choutteau; he was recognized as having made the purchase, and it as his.

Question. Had he a deed for it?

Answer. I cannot tell; it was recognized as a sale to him, and he listed it as his property, and in his tax-list specified the piece of property by section, town, range, &c.

Question. When Binns was killed, having been a confederate soldier, you say there was a reward offered for the murderer?

Answer. Yes, sir.

Question. A reward, did you state, of $500?

Answer. I probably did; I think that was about the amount offered by the neighborhood.

Question. You stated another instance in which the community offered a reward for the apprehension of the murderer?

Answer. I believe I did; in the case of the shooting of Etheridge.

Question. He was a white man?

Answer. Yes, sir.

Question. Did you ever know of a reward offered by any officer of the law, or by any citizen, or combination of citizens, for the arrest of the murderer of a negro?

Answer. I do not know that I did. I know of efforts having been made to detect the perpetrators, but I do not know of cases in which rewards were offered by citizens, nor do I remember whether any were offered by the officers of the State.

Question. Please describe the efforts which you say were made for the arrest of the murderers. Give the committee an idea of the earnestness, the extent, the diligence, the vigor of the efforts made, and how long-continued they were.

Answer. I do not know that I can state positively with reference to this, as I was never with one of them. I remember, generally, of the officer starting in pursuit, endeavoring to ascertain, of investigations through the courts—the grand jury. I remember a recent occurrence, within the year probably, of a negro cabin being burned down, and a child burned in it, in which case the gentleman on whose plantation it happened telegraphed to this place for an attorney, and secured him and carried him with him to Jones's Bluff to attend an examination, with a view of detecting the guilty parties.

Question. That was where the white employer interfered?

Answer. Yes, sir. It was a cabin belonging to one of his hands, and one of the man's children was burned in it. Suspicion attached to a negro who had burned it, but they did not succeed in committing him; there was not sufficient evidence. He was an employé of his also.

Question. Before the war, when the negroes were generally slaves in this State, where a negro was killed or mutilated, was there then any difficulty in discovering who had committed the violence, and in bringing him to justice, and compelling compensation for the loss of the negro?

Answer. There was less then, I have no doubt, than now, although my knowledge of this country previous—I mean to say, I have no knowledge of this country previous to the war, except what I have learned from others since being here. I would infer that there was less difficulty then, from the fact that negroes were confined almost solely to their plantations. They were not at liberty to go where they saw proper. Their owners had a direct interest in them, and exercised supervision over them, and had better opportunities for ferreting out such a thing than now.

Question. Why better opportunities?

Answer. They had supervision over them; they could control their motions, and knew where they were going to.

Question. Could not the whites follow a gang now as well as before the war that had committed depredations on a negro's family?

Answer. No, sir.

Question. Why?

Answer. Because now they find parties to assist them in flight, to harbor them, that could not have done it then. If a stranger then came on a plantation, his presence was detected.

By Mr. RICE:

Question. But where a white man killed a negro, could they not pursue him as well now as before the war?

Answer. I do not know. I do not see any special reason on the moment why they should not.

By the CHAIRMAN:

Question. Before the war, and while the negroes were generally slaves, if one became a fugitive from his master and escaped into the Northern States, was it not usual, almost universal, for pursuit, and successful pursuit, to be made, and the slave recaptured and brought back to his home?

Answer. I have no knowledge on that point personally. I have a recollection of one case, occurring a good many years ago, of an attempt of that kind; but one of his pursuers, or more than one, was killed in the pursuit. One I know was killed in the attempt to recover. What was transpiring in this part of the country I know nothing of.

Question. Do you not know, as a well-informed man, that as a general thing, slaves escaping into the Northern States, though they had penetrated well toward the north pole, were, in point of fact, recaptured and brought back to slavery, and the persons engaged in harboring them were brought to justice?

Answer. My recollection is that that was not the case generally.

Question. Do you not know that the owner of the slave was in the habit of making very diligent pursuit, and that he got on the track of the slave, and followed and traced him to his hiding-place in the community in which he was harbored, as a general thing?

Answer. Yes, sir; I believe that is the case.

Question. The point I make is this: If the same diligence and earnestness were employed in tracking the murderers of these negroes, would there be any practical difficulty in finding them?

Answer. I think there would be more difficulty in finding them than there was then.

Question. Why?

Answer. There are two reasons that present themselves to my mind at once. At that time the owner of the negro had a direct personal interest entirely apart from his social or humanitarian interest. He had a direct money interest in detecting. Again: their most efficient method of detecting fugitives was by placing dogs on their track to follow them where the men could not follow. Such means they have not at hand now, and could not use them if they had them.

Question. They did not use the dogs in the free States?

Answer. No, sir; but they could till they came to the line; and if they had them there it was not difficult to find out what had become of them.

Question. Not difficult after they crossed the Ohio?

Answer. Not difficult, I mean, to determine that they had got to the free territory.

Question. But after they got to the free territory, they tracked the negro to the community where he was harbored, as a general thing, didn't they?

Answer. I think it is likely they did. I know from general information it was done in a great many cases. I know very frequently they did.

Question. To return to the question: If the same instrumentalities were earnestly employed now by the community for the purpose of ascertaining who the murderers of a negro were, have you any doubt that one or more of them could be arrested and brought to justice?

Answer. I do consider it extremely doubtful. Where a number of men join together for the purpose of perpetrating an outrage, it is, if anything, in my judgment, more difficult to trace the perpetrators than if one engaged in it.

Question. Suppose a band of fifteen to twenty-five men came upon a particular road; they would, as a general thing, ride after night, would they not?

Answer. I presume so.

Question. Very well, then; they could not ride more than fifteen or twenty or twenty-five miles after night to the place to be raided upon, could they?

Answer. I do not know how far they could ride. I do not consider that material.

Question. Say they would ride fifteen miles—they could not ride any very great distance—a night's ride would be according to the manner in which they were mounted and the detentions they made. They would either own the horses, or hire, or borrow them?

Answer. I presume so.

Question. These horses would show evidences of fatigue if ridden all night?

Answer. They would usually.

Question. They would have to stop to refresh and water them?

Answer. Likely.

Question. They would have to procure arms and ammunition for an enterprise of this sort?

Answer. Yes, sir.

Question. And if they went disguised they would have to procure the disguises or the materials for manufacturing them?

Answer. Yes, sir.

Question. These materials would be purchased at the stores?

Answer. I presume so.

Question. Where would be the practical difficulty, if diligent and earnest pursuit were made right on the track of the marauders, in tracking them to their homes, if the whole country were alarmed, or a hue and cry made, or tempting rewards offered, stimulating the cupidity of men to ferret out and bring these marauders to justice? Is it possible that they could all escape if such instrumentalities were employed?

Answer. I think it is possible. A man might come into a store to-day and buy a piece of domestic or cloth. He has been in the habit of coming to that store; he might contemplate making a disguise out of it. It is no unusual thing to make such purchases. The fact of his purchasing it would constitute no clew. It is customary for men to ride horses—ride them hard in this country—even ride them after night. They hunt. It is no unusual thing for a man's horses to appear to be fatigued in the morning. Stopping for water, they might do out of sight of houses, or they might do at houses after everybody was in bed. Everybody in this country owns arms of some kind. It is no unusual thing to see a man start off riding with his gun. You see it every day. They take a gun in view of meeting some game and they carry the game with them. The things you have mentioned are not calculated to excite any unusual remark in this country. Then after the occurrences had taken place, without any clew to the direction they went, the fact of a horse in this part and that part of the county appearing fatigued, and of being ridden hard, would scarcely justify such a thing as an affidavit for the arrest of the person who rode him. If persons are confederated together, and alike interested in concealing their movements, apprehension is less likely than where one acts for himself. That would be my judgment.

Question. Then, if your theory is true, these irregularities and disturbances of the peace are to go on indefinitely, without any hope or power on the part of the community to stop them, are they not?

Answer. I cannot say if it is to go on indefinitely. I know such things occur sometimes, and the civil officers appear entirely incompetent to reach them. I remember a case in a well-regulated community, the lynching of the Reno brothers in jail at Seymour. That was done by a large body, but, so far as I know, nobody has been ascertained. It was a thickly settled community, too.

Question. Have you ever been upon that locality and inquired into the particular facts?

Answer. I have seen the published statement of the case; I have been at Seymour; I have passed through the place.

By Mr. BLAIR:

Question. That is in Indiana?

Answer. Yes, sir; at the junction of the railroads. I remember reading a history of the case, probably more than one, the description of the manner in which they were hung, and where they were suspended. I mention it to show that these things are liable to occur in any community, and the people well disposed to prevent it, but it would be impossible. I still think they would be able in a great measure to suppress them; and, so far as I can speak of this community, they have never spared any effort, such as they thought they could make, to suppress them. Public sentiment has been against it.

By the CHAIRMAN:

Question. Public sentiment, then, does not seem to have much influence on the men who perpetrate these outrages.

Answer. My judgment is that the men who perpetrated those outrages have no regard for public sentiment.

Question. They have parents?

Answer. I cannot tell who the individuals are.

Question. These parents are respectable people?

Answer. They may be. I think these outrages are mainly perpetrated by outlaws in the community, so to speak.

Question. To recur to what I was inquiring about a little while ago: at the time Coblentz was killed, you say that one of the assailants was killed, or very badly wounded, upon that occasion?

Answer. He was doubtless killed.

Question. And that he was tracked some distance by his blood?

Answer. He was tracked by the sheriff.

Question. Was there any practical difficulty in tracing that man to his very home? If he was dead, would he not have been buried? Would there not have been some ceremonies, some inquest held? Would there have been any difficulty in finding out who this young man was?

Answer. If he had been taken to his home, and the usual funeral ceremonies had over

him, doubtless he would have been detected: but as nothing of that kind was ever heard of, the inference would be that they had secreted the corpse some place.

Question. Was there any effort ever made to hear of the circumstances beyond following the blood a few miles?

Answer. An effort was made to catch the party. They were followed by this blood as far as they could trace it. As I stated yesterday, the party was followed to the river—the supposed perpetrators. A negro at the river informed the sheriff that a party of five or six men had come to the ferry about daybreak and ferried themselves over the river. The sheriff stated his jurisdiction ceased there, but he sent word to the authorities of the adjoining county of Marengo, into which they had crossed. I never have heard whether the body of the man that was killed was discovered or not.

Question. Were you ever informed that at the time Zeke High was taken out of jail by a band of men, and hung or shot, he made desperate resistance, and struck the leader who was first to enter into his cell with a vessel, that drove in his front teeth, and that he bled considerably; did you ever hear of that circumstance?

Answer. That has been related to me since I returned home. I was not in the State at the time of the occurrence.

Question. Do you think there would have been any practical difficulty in finding this man who was thus disfigured?

Answer. I think if a man would attempt to conceal it, it would be a very difficult matter to find it out.

Question. How could he conceal it?

Answer. He might absent himself from the neighborhood; he might assign some other reason for his injuries. People very often sustain injuries, and account for them in a very different way from the truth, if they did not feel disposed to describe the true cause, and sometimes say that they sustained injuries when they have not. If a man has a personal interest in concealing it, there are many subterfuges to which he could resort, which would render it very difficult to trace it to a legitimate conclusion.

Question. As a general thing, great criminals are arrested, sooner or later, and brought to justice, are they not?

Answer. That is frequently the case.

Question. Have you ever known, of all the raids made upon the negroes in this community, or in the adjoining counties, whether these raids consist in murdering them or in scourging them, or other maltreatment; have you ever known a case where a white man has been arrested and brought to justice for it?

Answer. I do not remember of a case now. I think there have been indictments; I think there are some pending in the courts now against white men for offenses of that character against negroes. My recollection is that I heard our solicitor state that there were such indictments pending in court.

Question. Can a solicitor speak of such things; are they not matters of secrecy?

Answer. Not when they are brought into court, when a trial is postponed, or something of the sort.

Question. Do you know of a case where even an arrest has been made?

Answer. I have no personal knowledge.

Question. If this is so, is this the fault of the courts or the fault of the country?

Answer. If which is so?

Question. If it be so now that there have been a great many murders and scourgings, and other outrages, committed upon negroes, and no one has been brought to punishment, where is the fault; is it with the courts or public sentiment?

Answer. I do not think it is necessarily the fault of either. There may be cases where either may be at fault, but I think a country may be often subjected to an occurrence of this kind where neither the community nor the court is at fault. The fault is with the perpetrator, and it may be the misfortune of the country and the courts both to fail to detect him.

Question. You spoke of the case of N. E. Thomas, a democratic editor, of Choctaw, who declared in his dying moments that Joshua Morse had shot him. Do you know personally any of the facts in that case?

Answer. Not of the killing.

Question. Do you not know that it was alleged and proved on the trial of Mr. Morse that Thomas fired first on him, and that he was acquitted upon the ground that he acted only in necessary self-defense?

Answer. I do not. I have no recollection of what was developed on the trial; I do not remember whether I read a published statement of the evidence or not, or whether there was one made. I know this, not personally, either, however——

Question. You gave a great many cases yesterday.

By Mr. BLAIR:

Question. Finish your sentence.

Answer. I was going to remark that I know from general rumor, and the reports

during the trial, that the principal witness for the State, the party in company with Thomas when he was assailed, removed from the country, and his attendance could not be secured.

By the CHAIRMAN:

Question. My information is that Mr. Morse alleged and proved, on the trial, that Thomas shot at him first; do you know anything contrary to that fact?

Answer. I know nothing except what has been told me by persons who were there.

By Mr. BLAIR:

Question. Were you ever informed of that fact, that he shot first?

Answer. No, sir; I never was. I never heard it suggested until now.

By the CHAIRMAN:

Question. I think you have stated already that you did not hear Houston make this declaration, that if this thing was not stopped, Livingston would be laid in ashes?

Answer. It was not made to me.

Question. Who was your informant?

Answer. Captain J. W. Monette, the marshal, told me it was made to him.

Question. Is he here?

Answer. No, sir; he is a citizen of Mobile at this time.

Question. Under what conditions or circumstances did Houston say that Livingston would be laid in ashes?

Answer. The time which I referred to—I had heard of his making similar remarks at other times—the time which I referred to was the morning after, or the morning on which this raid was made upon Choutteau, and upon him—in the morning after the community knew what had occurred.

Question. At the time when he himself was shot and wounded?

Answer. Yes, sir.

Question. And the time when Coblentz was killed, and the life of Dr. Choutteau endangered?

Answer. I know nothing of the endangering of his life.

Question. Do you not know that was the purpose, of killing Choutteau?

Answer. I do not.

Question. Do you not believe it?

Answer. That is the presumption.

Question. Have you any reasonable doubt that they were after him?

Answer. It is my belief that the object of the visit was to get Choutteau. It is nothing more than a conclusion I have formed, but it is well settled.

Question. How many did you understand were concerned in that midnight enterprise?

Answer. I know nothing except what was stated in the testimony given before the inquest, which I read yesterday. I forget the number I mentioned—five or six. The only information I had personally was that given by a negro to whom I referred, having said he saw three or four pass where he had concealed himself. That was those at Choutteau's; I never heard of those at Houston's house.

Question. Did Houston live in town?

Answer. Yes, sir.

Question. And Choutteau?

Answer. Yes, sir; both in town; or rather at the edge. Houston lived on the Gainesville road.

Question. Did your informant understand from Houston that he supposed this raid proceeded from men living in Livingston?

Answer. I heard he had expressed the belief that no man living in Livingston was concerned in it. In fact, I have heard repeatedly the opinion expressed that no one in this community was concerned in that.

Question. Did you understand that Houston thought so?

Answer. I understand that Houston expressed that belief.

Question. Why, then, should he have had a spite against Livingston, and threatened to lay it in ashes, unless this thing was stopped?

Answer. I inferred from what he said that he rather held this community responsible for preserving the order of the county, it being the county-seat, and the officers being here.

Question. You say the community seemed to think they were somewhat derelict themselves by organizing a patrol for several nights afterward?

Answer. No; I did not say they thought themselves derelict. I spoke of them doing that as a precaution against a recurrence, which was anticipated by Houston. Houston seemed to think that they would possibly learn they had not killed him, and that they would revisit him. The patrol, according to my recollection, was organized chiefly with a view to protect Houston, and to allay the apprehensions of Mr. Price, who was apprehensive of himself, and expressed that apprehension.

Question. Was Houston at the time very odious in this community?

Answer. He was; nothing more so than he was then.

Question. You speak of some instances where houses had been fired into by individuals supposed to be negroes?

Answer. Yes, sir.

Question. Did you understand in such cases that they were suspected because they had been maltreated themselves?

Answer. No, sir.

Question. Have you not thought it surprising that, considering the scourging and maltreating to which the negroes have been subjected by individuals, they should not seek revenge sometimes?

Answer. No, sir; it has never been a matter of surprise to me.

Question. If your own house were raided upon, fired into, and you compelled to take refuge in the woods, or in the out-houses, night after night, for the protection of your life, would it excite no revengeful spirit in you against the men who were hunting your life?

Answer. Certainly it would; but not against those whom I could not connect with the transaction at all.

Question. You would feel very much like taking the life of the assailants?

Answer. I would; and probably, if I had an opportunity, would do so. It would not excite revengeful feelings in me toward those whom I could in no way connect with the transaction. If any negro who had been outraged could obtain revenge on the person perpetrating it, I would not be at all surprised at his doing so; but I would be surprised if he should, from that fact, make an attack upon a person he could not associate with the act.

Question. Have you kept a list of all the homicides you gave in evidence yesterday, to know how many have been committed in this community?

Answer. No, sir.

Question. About how many do you think they would sum up?

Answer. I cannot form an idea; the ones I made a memorandum of yesterday I met casually in glancing over my files. There are doubtless others if I would examine closely. Perhaps others occurred of which I had no information.

Question. I have heard it said that since the surrender seventy homicides have been committed in the county of Sumter. What is your opinion upon that subject?

Answer. My opinion is that there has not been half as many; that that would be a very large estimate. Certainly never half as many that I ever had any information of.

Question. The examples you gave yesterday were gathered from your files?

Answer. Yes, sir; such as I met in turning my files.

Question. You did not examine them closely, exhaustively?

Answer. No, sir.

Question. Were you in the habit of recording in your paper all acts of violence or disturbances of the peace that came to your knowledge?

Answer. All of which I got information. I gave special attention, more than country papers usually do, to local matters. It was appreciated by my readers, and I devoted rather more than ordinary attention to that. I would like to state, also, that I never failed or hesitated to speak as I thought the occasion demanded of occurrences happening in the county; and where I could get the names of perpetrators I gave them, black or white.

Question. Recurring to the early part of your examination, have you not read, in your exchanges, of numerous instances of men going about the country, banded together and in disguise, in the night-time, on errands of violence?

Answer. Yes; I have read of such instances.

Question. Did you have any reasonable doubt of the truth of what you read?

Answer. I did not at the time, I presume. I found it just as stated in the papers. I gathered it in my exchanges. I had no opportunity of testing their accuracy.

Question. Had you ever any state of things in this community similar to what you read of in other communities?

Answer. I have read of the existence of a state of things in some communities such as we never did have here. I have read the statements of organized Ku-Klux in some parts of the State, a thing I do not believe ever had an existence in this county.

Question. Wherein did this band, which you think were impromptu and without any system or connection, differ from such bands as you have read of in you exchanges that inflicted violence?

Answer. I cannot tell what difference there may have been or may not have been. So far as acts that they committed were concerned, they, on occasions, committed acts similar in character; and so far as their deeds were concerned, I could not see any difference. The mere fact of a man being masked and riding through the country, or a band of them, would amount to nothing as long as they committed no violation of law. When they did commit a violation of law, of course the peculiar——

By Mr. BUCKLEY:

Question. Is it not a violation of law for them to appear in disguise?

Answer. It is now, in this State.

By the CHAIRMAN:

Question. That has been so for a year or two past?

Answer. It has been for a year or more, but I was speaking of the time when this was not the case.

By Mr. BUCKLEY:

Question. Has it not been so since December 26, 1868?

Answer. I do not remember the date. I was referring to the fact that the peculiar manner in which they committed the violence would not affect the quality of the act, the act itself; that where a band of that kind of men to which you refer would go and murder a man, and another band of men, not going in the same way, but in a more irregular way, and murder a man, the one would be as bad as the other, in my estimation, though in the one case there might be more premeditation shown than in the other.

Question. How could there be more regularity and concert of action and premeditation than in the several attacks on your jail?

Answer. It is more than I could say, how there might have been greater concert of action. I cannot say how much concert of action there was, further than there was a party of several with the same object in view and participating in its accomplishment.

Question. Is not that all you have heard predicated of any Ku-Klux band?

Answer. I have read of Ku-Klux bands—whether burlesques, or what, I cannot say—of regular organizations, holding meetings, with a regular ritual and all that sort of thing.

Question. I am speaking of their enterprises.

Answer. I say that, so far as their acts are concerned, I do not see any difference.

Question. They may belong, then, for aught you know, to the same general organization?

Answer. For all personal knowledge I have, they may.

Question. You never were approached by a member of such an organization?

Answer. No, sir.

Question. Never were asked to become a member?

Answer. No, sir.

Question. You never saw the ritual of one of those secret organizations?

Answer. I never did.

Question. You know nothing of any of its signs or pass-words?

Answer. Nothing whatever.

Question. Never heard of them?

Answer. No, sir. I do not believe there is, or ever has been, such a thing in this State. I have never been convinced that there is.

Question. In no part of the State?

Answer. No part of the State.

Question. Not even in 1868?

Answer. Not even in 1868; that is, such an organization as you speak of, with rituals, and holding regular meetings, &c. I believe there have been men banded together in various parts of the State, as, on occasions, here, with the intention of committing outrages; but I do not believe that there ever has existed in this State an organization such as we speak of—men banded together with anything like permanency.

Question. Do you not believe that in 1868 there was an organization here, composed exclusively of democrats, banded together, with disguises, pass-words, and signs, whose purpose was to promote the success of the democratic party at the election of 1868?

Answer. No, sir; I do not believe a word of any such thing.

Question. Did you not see, in 1869, a publication in some of the democratic papers in the northern part of the State, some order of a cyclops disbanding one of these organizations?

Answer. I do not remember of any particular one. I have seen many professed orders from a grand cyclops. I copied some, as a matter of curiosity, into my paper.

Question. Give the date, or substance, of one of them.

Answer. I could not do it now. It was published as a matter of amusement, and I myself regarded it as a hoax, a mere fabrication. I never had any belief in the real existence of anything of the kind. I remember of some of them. I think the first occurred in Tennessee, where a couple of them came along where some carpenters were working on a house and ordered the workmen away; they wanted the use of the building, and upon being denied, one of them picked up a hand-saw and swallowed it. That was attributed to the Ku-Klux. I did not believe that; it was improbable, impossible.

Question. Did you ever hear that such an order—no matter about its name—having a political object, originated in Tennessee?

Answer. I saw a statement of the existence of an organization of Ku-Klux in Tennessee, but I do not remember that it was with a political object.

Question. What was its purpose?

Answer. I do not remember whether any object in particular was assigned. I simply remember reading of the existence of Ku-Klux organizations in Tennessee, as in other places.

Question. Have you ever read any statement, made on oath by members of this Ku-Klux organization, disclosing its secrets, its purposes, &c.? Have you ever read any such statements as those?

Answer. I have no recollection, now, of ever having read one; I may possibly have done so, but do not remember it now.

By Mr. RICE:

Question. At the commencement of your examination, you spoke of Captain Swift, a Federal officer, being here, and giving some advice to the colored people?

Answer. Yes, sir.

Question. State what that order was, or advice, as near as you can.

Answer. I can give the substance of it. There had been notice sent around generally for them to be here on a certain day. When they assembled in the square, Captain Swift got up, just outside the door there, and made known to them the fact of their emancipation; that they were now free; no longer under obligation to their masters, &c. He explained what freedom meant to them; and then, with reference to the future—I remember very well one expression—he cautioned them against the conclusion that freedom meant ease, freedom from labor; that he had been always a free man, but that he could tell them they need not expect to repose on beds of roses—I remember that expression—that they were beginning a struggle for life, now, anew. He then advised such as had places, and were still in the employment of their old owners, to remain with them for the present, if they could, and he even advised them if they could get nothing more than their clothing and food for the present year, to take that, and be content until they could have an opportunity and time to look about and determine what should be done in the future; that they were under no compulsion to do so, and, if they desired, they could go with him; but he cautioned them that it was not to go with him to enjoy idleness; that the Government was not going to support them in idleness; they could not become charges upon the Government; but the Government had charge of certain plantations in Louisiana, and they would be put there to work on those plantations—given employment.

Question. Did he inform them that those who did not take employment here would all have to go with him?

Answer. No, sir; I do not know that he said that, but he did tell them they could remain here or go with him; and those who elected to go with him would be sent to those plantations. My inference from which was that he would take with him those who expressed themselves as unwilling to remain here.

Question. As unwilling to remain here, or as unwilling to take employment here as suggested by him?

Answer. As unwilling to take employment here and stay here. He did not hold out the impression to them that they must take employment with their old owners or go with him; that they could stay with their old owners or take employment of somebody else, but those who desired to go away from here should go with him.

Question. They remained here and worked pretty well?

Answer. Yes, sir, nearly all; some few, mostly men, went with him.

Question. Everything went on smoothly until 1867?

Answer. Yes, sir, about the beginning of 1867.

Question. And would have probably continued so, if it had not been for reconstruction, up to the present time?

Answer. I think it would have continued so if our people and the blacks had been permitted to get along among themselves.

Question. No political intervention?

Answer. Yes, sir; no exciting cause to create a distrust between them.

Question. You spoke of three men, particularly, coming here—Price, Rolfe, and Hays?

Answer. Yes, sir.

Question. Was Price a native of this State?

Answer. I am so told.

Question. He formerly lived in Greene County?

Answer. Not that I know of.

By Mr. BUCKLEY:

Question. Did he not come from Greene County here?

Answer. I never heard so.

Question. Was not his home for a long time in Greene County?

Answer. I don't know; I never heard so.

By Mr. RICE:

Question. Do you know what time he came here?

Answer. I think he came some time in 1866.

Question. He went into some regular employment here?

Answer. Yes, sir; he opened a colored school.

Question. Where did Rolfe come from?

Answer. I don't know; I never saw him.

Question. When did he come?

Answer. I think in the early part of 1867. He and Mr. Hayes, I think, came together, and both took employment with Mr. Barker, a carriage-maker.

Question. They were mechanics?

Answer. Yes, sir.

Question. Did they, during the time they staid here, follow their business most of the time?

Answer. I think they did, most of their time. They worked at it more or less, off and on.

Question. When the reconstruction laws were passed they took part in trying to organize under those laws?

Answer. I would like to understand thoroughly what you mean.

Question. When the reconstruction laws were passed they authorized an election for delegates——

Answer. I remember that.

Question. To vote for or against a convention?

Answer. Yes, sir; that was the first election.

Question. Did they take hold then?

Answer. Yes, sir.

Question. That was the first time they appeared in politics?

Answer. Yes, sir; one of them was a candidate.

Question. Was there no other white man here took hold of it?

Answer. I do not know of any white men who took an active part except those three.

Question. If they had not engaged in it would there have been any steps taken in that direction?

Answer. I think likely there would have been. My belief is there would have been. by white men belonging to the place.

Question. You believe the white men would have done it?

Answer. Yes, sir, I believe the white men here would have taken the lead of that party.

Question. Democrats?

Answer. No, sir; Union men here. We called them Union men. They had been during the war.

Question. Who were they?

Answer. Mr. Abrams was one. Mr. Harris, I think, was a Union man during the whole war. I know he was opposed to secession. Mr. Jenkins, another; Mr. Hale was another, and several others; but they were men who would not associate with these other men.

Question. Do you know where Mr. Hayes was from?

Answer. No, sir.

Question. You do not know anything about the antecedents of either Hayes or Rolfe?

Answer. No, sir. There is a rumor in reference to Rolfe that I do not know personally.

Question. Did those Union men that lived here finally take part in reconstruction in any way?

Answer. Some of them voted with that party, but I do not know of their taking an active part. Those other men rather assumed the leadership, and they succeeded in concentrating the negroes around them. Mr. Abrams was a candidate for probate judge some time. Lane was the nominee of the League, and Abrams was brought out by some colored men here who broke away from it, but they got no votes.

Question. How long had Lane been here?

Answer. Probably a year; I do not remember.

Question. Was he engaged in business?

Answer. He and a gentleman named Cecil came and rented or bought a plantation some miles below town.

Question. He lived in the country?

Answer. Yes, sir.

Question. Did he engage in reconstruction?

Answer. Yes, sir; he was one of the first registration officers.

Question. These men organized the negroes for the purpose of having them vote for convention and for the candidate that was nominated?

Answer. That was apparently their purpose; at least that was the result attained.

Question. Did that fact create any ill-feeling between the negroes and the whites of this county—the older citizens.

Answer. I do not think it created any ill-feeling toward the negroes, to negroes in themselves. There was ill-feeling engendered on the part of the negro, for which, however, the whites never held the negro responsible.

Question. Is there not in all political contests more or less ill-feeling engendered, and would it be possible to have two political parties here in a hot contest without more or less ill-feeling?

Answer. I do not think it would. I do not think it necessary that political contests should engender ill-feeling. It would engender interest and excitement, but I do not think it would necessarily be ill-feeling.

Question. What ill-feeling have the negroes ever manifested here toward the whites in their acts other than voting the republican ticket?

Answer. I cannot speak of any ill-feeling, nor whether they entertained the ill-feeling at the time; but it was the acts committed under the guidance of these other men.

Question. What acts?

Answer. Such as assembling with armed bodies, organized; putting themselves in an attitude of hostility to such an extent, right in town, that the intendant found it necessary to issue a proclamation forbidding the assembling of armed bodies in the town.

Question. Did they commit any hostilities toward anybody?

Answer. I only saw one demonstration of that kind in the time I spoke of yesterday, when they attempted to mob three negroes who hurrahed for Seymour and Blair.

Question. No hostilities on any whites at any time?

Answer. No open acts. I saw on the day of election a disturbance, when they rushed to their armory and brought out a stand of colors, and formed in line to assail the court-house; but through the interposition of some whites—myself among the number—and a few of the more prudent blacks, it was stopped there. They had come to town armed under the order of Mr. Price, which I heard myself. They deposited their guns in a certain place where they could get them when they wanted them. There was a positive order at the time prohibiting any armed men about the election polls.

Question. What was the occasion of the excitement?

Answer. According to my recollection, some officer of the election ordered some man with a gun in his hand away from the polls.

Question. Who was the officer of the election?

Answer. There were three of them. One was David H. Trott; one was Minter Dodson, a colored man. I have forgotten who the third one was.

Question. They ordered a man away from the polls, and they went to their armory?

Answer. Yes, sir; because he was there with his arms, and there was some little disturbance about the polls.

Question. That was all?

Answer. That was all.

Question. What were they going to attack the court-house for?

Answer. That is more than I could say.

Question. How do you know they had any such intent?

Answer. From expressions on the occasion—a regular call "to arms;" and it was all pell-mell, running for guns.

Question. Were not these election officers Federal appointees—of the military?

Answer. Yes, sir; I believe the registrar had the power of appointing.

Question. Who was the registrar?

Answer. I think Mr. Hatch.

Question. Was not Mr. Lane registrar of the county, who had the appointment of these men?

Answer. He was county registrar to enroll voters; but Mr. Hatch was registrar for the State, and had the designation of officers of the election. Mr. Lane was one of the registrars, and a candidate for probate judge.

Question. They were all friends to the cause of reconstruction, were they not—Hatch and those officers of the election?

Answer. I could not speak for all the officers of the election. One of them was opposed to it.

Question. Which one?

Answer. Mr. Trott.

Question. The other two?

Answer. I never conversed with them. I have heard expressions from him. I am in his company frequently. I knew he was opposed to it personally.

Question. Then they were really going to make the assault upon their own friends, and not upon the citizens of the county?

Answer. I believe that they would not have considered, in the state of excitement they were in, who they were injuring.

Question. Was not the election going to suit them?

Answer. I cannot tell.

Question. Did not the poll give a large majority for the convention?

Answer. It did; but here we do not know the result till the election is over. But I suppose the inference was plain, from the crowd here; but that would not affect the character of the man. It was the observance of the peace and the character of the orders that led him to issue the order. I judge from the character of the man.

Question. I cannot see what motive they could have to break up the election.

Answer. I do not know what motive it was; or whether they intended to break up the election, or whether they ever considered what the result would be.

Question. Who was at the head of it?

Answer. Price. He was the man who ordered them to put their guns where they wanted them.

Question. Who ordered them to get them?

Answer. I do not remember who. I suppose fifty called. Everybody in the crowd was hallooing, "Get your guns." The blacks were hallooing it. They ran like a rabble and mob as fast as they could go into the store, but Mr. Inge, a black man who was elected a member of the legislature, I think Uncle Wash. Bryant, and several of them came, and they had considerable difficulty in inducing them to remain quiet and put away their guns, assuring them that there was no occasion for it.

Question. What acts have they ever done toward what you call the white people of this county to show that any other than political feeling was aroused in their breasts?

Answer. I cannot call to recollection any overt act. I spoke yesterday of the disquiet and the apprehensions felt. It was from the demonstrations made. Their demonstrations were such as I never, in my experience, saw evinced by any people during an election. I cannot say that it was essential to their success in the election to make such demonstrations. They were noisy; they had a hostile and threatening aspect; and altogether excited a state of alarm in the community that was almost unendurable. A person or a community may be made almost as uncomfortable by a threat and impending danger as by an act itself. That was our condition here.

Question. Yet no one was interrupted in any way?

Answer. No, sir; no one was killed or wounded, and it passed off.

Question. Are you not aware that they had been raided on at different points in the county before the time that they commenced carrying their arms, when they assembled together?

Answer. I have no knowledge of a single instance.

Question. Do you think the raids have all been since?

Answer. All since; all that occurred has been since that time. And I speak pretty confidently. Nothing of the kind occurred on this subject previously.

Question. No threats made of any acts to cause apprehension on their part that they might need to defend themselves?

Answer. I have no knowledge of any threats having been made. As to any apprehensions they may have felt, I cannot answer. I can freely say, to my knowledge there was no cause for apprehension on their part.

Question. Is it not a fact that at all assemblages the white people came there armed also?

Answer. I never knew of the white people to go to any assemblages armed, except some of them probably carrying pistols.

Question. Publicly?

Answer. Yes, sir; I have seen a number of meetings of whites here, of democrats. I never saw anybody go to attend with arms other than such as they were accustomed to wear. I heard a black man make a speech there, and refer to that feature as distinguishable between those of the white people and their own people, and expressed his regret. He saw no guns, clubs, or pistols here, and pointed them to the fact as an example. The speech was made by a negro, Wideman, a parson.

Question. How does it happen, if there has been such universal good feeling toward the blacks by the whites, and such universal disposition to peace on the part of the whites, that about nine out of ten of all the men that have been killed in the county have been negroes killed by whites?

Answer. I do not know that to be the fact, sir.

Question. Well, that nine out of ten of the raids that have been made have been made by whites upon the blacks; how does that happen, if all the good feeling is on the part of the whites toward the blacks, and all the love of order on the part of the whites?

Answer. When I speak of the good feeling on the part of the whites, I, of course, do not mean that there are no exceptions. I speak of the community generally; and especially of the better class of the community. I do not mean to say that there are no white men—vagabonds and irresponsible parties—who may not entertain a feeling of hostility to the blacks, or who may not be impelled by cupidity to commit aggressions upon them. I do not say that by any means; but I say I do not believe there has been an instance in which an outrage has been committed upon a black man that was participated in by any white man of respectability.

Question. Do you believe that there has been any ill-feeling on the part of the respectable portion of the colored people, or any ill-conduct toward the whites?

Answer. I think not. I do not think there has. The whites have always looked upon the acts of the colored people, taking into consideration mitigating circumstances and their low intelligence. I refer to the editorials in my paper, which are sustained very generally by the best men in the county; and that counsel was given there—it met their approbation all the time—to exercise forbearance to the very last degree, and excuse them on account of their ignorance, and the facility with which they could be misled.

Question. If in the other counties in this State there exists what is generally known as the Ku-Klux order, and that is composed of a great many respectable men, this county is an exception to that rule; there is no such order, and if such is so, they are not composed of respectable men?

Answer. If there was a Ku-Klux organization in other counties composed of respectable men, I say that this county, in my belief, well grounded, this county is very different from those counties.

Question. I will take a case: Judge Walker, of Madison County, swore that in that county he had no doubt of the existence of the order in 1868, and that a great many respectable men were in it. You say, if that be true, this county differs widely from that?

Answer. I say, then, that Judge Walker's belief and mine are widely different, or a very different state of things existed in Madison County at the time from what existed in this. I cannot believe of this county as Judge Walker expresses his belief of that county. I would have no reason for such a belief.

Mr. BLAIR. Judge Walker said that, although the organization originally established in that county, he presumed, was at first composed of many respectable persons—the object of it being to resist what was known as the Loyal League—yet he believed no respectable person was engaged in any outrage upon the negroes.

Mr. RICE. He said he believed the order had degenerated.

Mr. BLAIR. And that the respectable part of the community had abandoned it when they found it was perverted to any such purposes.

The WITNESS. If it be agreeable, I will state what my belief is.

By Mr. RICE:

Question. Your belief, I understand, is that no such order has existed?

Answer. If agreeable, I will state my belief on that point, in reference to this community. I, of course, believe, from satisfactory evidence, that there have been outrages committed by bands of men, disguised or not, to a greater or less extent; but I cannot believe that there ever was in this county any such organization as is familiarly known as the Ku-Klux. I believe that those men who perpetrate these outrages have heard and read of such organizations, and that they are aping those organizations in masking and going about, as they have been doing, or adopting that as a convenient cloak; but I do not believe there ever has been an organization of that kind in this county.

Question. Do you regard it inconsistent with the peace and welfare of the two races here that they are antagonized politically?

Answer. It would depend very much on the extent to which they are antagonized. I believe that, if the blacks in this community were all in one political party, connected together, and all the whites connected together on the other side, that it would be inconsistent with the interests and the well-being of society. I believe it from this fact: that the blacks, as a body, are not competent either to administer or hold office, or to form a safe judgment as to whom it would be safe to intrust.

Question. Then is it not commendable, instead of objectionable, that white men should engage with them, and try to direct and control them?

Answer. It certainly is; it depends altogether on the character of the men.

Question. Does it depend as much on the character of the men as it does on the politics of the men?

Answer. When I speak of a man I speak of his politics as a matter of course. I consider it commendable for any man who has the welfare of the negro and the country at heart honestly to endeavor to direct him, and give him information, and to enlighten him upon political questions, with a view to his own interests and the public interests; but I think it anything but commendable for a man to go and ingratiate himself into their good graces with a view of furthering his own interests by the advocacy of a course that must necessarily be detrimental to the negro himself and to society at large.

Question. Are there any northern men living here that have settled here since the war?

Answer. Not immediately around here. There are some around the county.

By Mr. BLAIR:

Question. Does Mr. Hale live here?

Answer. Yes, sir; but he has not settled here since the war. There is a Colonel Gere, who was colonel of a cavalry regiment during the war, is living in the southern part of the county.

By Mr. RICE:

Question. Have they meddled in politics to any great extent?

Answer. Very little; not to any great extent.

Question. What you call carpet-baggers are not northern men?

Answer. Not necessarily. I don't care how far north a man lives, if he comes here and settles down with an honest purpose to make one of the community and pursue an honest vocation; while the term "carpet-bagger" would really apply to him, it would not be applied to him by the people here. What they mean by a carpet-bagger is not, simply, one from the North coming here, but one who comes here with that particular, solitary purpose of making a grab and going again.

Question. You have none such, I understand?

Answer. I believe there are none in the county now.

Question. Does their interference in politics tend to create a considerable prejudice against them?

Answer. It has, heretofore—simply the peculiar interference that they made. They could have come here and entertained what political opinions they saw proper, and not have made themselves offensive at all. It never has been a question, since I have been in Alabama, what a man's politics is.

Question. Is it not usual, in each party, for a man to make such appeals to the members of his party as will tend to hold them together?

Answer. Yes, sir.

Question. And have these men that have been here engaged with the colored people done more than that?

Answer. They have done that in such a way as is not usually indulged in by persons. A person may make an appeal to his party, with a view of holding them together, about which there would be nothing wrong or improper. He might, again, make such appeals as would tend to the violation of law, and to the actual commission of it.

Question. But I understood these men have made no such appeals as have resulted in any violation of law?

Answer. No, sir; I do not know of any; I cannot trace them up fully. There have been violations of law which we believe attributable to that influence; but, as a matter of course, it would be impossible to trace it all to that. Their appeals and admonitions were of a character that tended to create bad, unkind feeling between the whites and blacks. I have heard them reminding them that these men were robbing them of everything; that they were working for them and getting no pay; that if they ever got into power they would consign them to slavery again, and all such talk as that, which, of course, they did not believe themselves. But the negro having been so recently emancipated, and with the recollection of his previous condition, and known credulity, it was not hard to impress his mind with that fear.

Question. Do you think that an improper appeal to hold out to him the danger of his return to slavery?

Answer. I do.

Question. Is it at all different from the appeals made by both whigs and democrats, each charging the other that the candidates were abolitionists, and if they got into power, would destroy slavery?

Answer. It was very different here. This appeal was made to people recently in bondage.

Question. And, therefore, it was more forcible, and would have a stronger tendency to unite them to the republicans?

Answer. I have heard democrats and whigs assure their audiences that if this party or the other were successful, the country was broken down—gone to ruin—it was all broken down. But the negro had been in bondage, and did not know but it might happen again.

Question. The effect of the appeal was, therefore, more forcible?

Answer. Certainly, it was. But it was a representation which the persons making it knew could not occur.

Question. But all such appeals as you speak of, made long ago about the ruin of the country, were the same way?

Answer. They discussed the general effect of political measures; but on the question of freedom or bondage there is a well-defined line of demarkation there.

Question. Are the negroes in this county as free to express their opinions to a white man as a white man is to them?

Answer. I think they are.

Question. Would it not be regarded a more heinous offense for a negro to strike a white man than for a white man to strike a negro?

Answer. In public estimation, yes, sir; I presume it would; that is, among those who were formerly associated with them—the one as freemen, the other as slaves.

Question. For the same reason, is there not some restraint on the negro in regaad to making harsh expressions, as harsh as a white man would make to him?

Answer. I think not; and I will say further, that I think there is no such disposition on the part of the negroes here.

Question. They are not aggressive in character, at all?

Answer. No, sir; with such exceptions as usually occur in every community.

Question. Can you tell the reason why the republican candidates for the legislature in the last canvass did not canvass this county?

Answer. No, sir; I cannot.

Question. Do you know any reason why the republican candidate for Congress did not canvass this county?

Answer. I do not.

Question. Have you never heard that they had apprehensions for their safety if they did?

Answer. No, sir; I have not. I have heard it stated, I believe, in some republican papers. The statement was made, editorially, that they could not canvass in this county; but to the contrary, Governor Smith, Senator Parsons, and Senator Warner, and Mr. Burton, the editor of a republican paper, just across the river, at Demopolis——

Question. Accompanied by the commanding general of the district or State?

Answer. He came as a civilian. I presume he would be glad to avail himself of that fact, that he came as a civilian. They came here and canvassed; came when they pleased, and went when they pleased. There were assurances here, given through the paper and published, that there should be no obstacles interposed in the way of their canvassing, if they desired to do so.

Question. Was there any unkind course pursued by anybody towards those three men, as they were making their speeches?

Answer. Not that I am aware of. There were some interruptions. I remember one, particularly, because I tried to get the man to go away and keep quiet. The effect of his interruption was not calculated to help our side of the question, and so far from it being taken in an offensive manner, Senator Parsons thanked him for making it, for the opportunity it afforded him to recur to something else.

Question. Were there any armed men about the stand?

Answer. There were men with pistols, as is customary.

Question. Any with knives?

Answer. None that I saw.

Question. No weapons drawn, or anything of the kind?

Answer. No, sir; not that I saw.

Question. Anybody out in the crowd giving them the lie as they made their statements?

Answer. There were one or two drunken men in the crowd guilty of some interruptions, but they were taken away by their friends. I was not present during all the speaking. I heard a portion of Governor Smith's address, and a portion of Senator Parsons's. I was not in the square when Senator Warner spoke at all. I spoke of what occurred while I was present. I was standing right in front of them.

By the CHAIRMAN:

Question. Did you see any man on the stand, or in front of Governor Smith while he was speaking, that was flourishing a bowie-knife, or dirk-knife, picking his teeth, and flourishing it under the nose of Governor Smith?

Answer. I don't remember anything of that kind. I remember this: There were two or three young men—they spoke from the court-house door—two or three young men went in the passage and stood by where they were standing. I think some of them had pistols on, but I saw no such demonstration as you speak of. I remember this, for I thought it very bad taste for them, to intrude themselves that close to where they were speaking, and I suggested to some of our friends outside that they had no business there; that decency required that they should stand back farther; that that was a republican meeting. But they made no such demonstration while I was there as you speak of.

By Mr. RICE:

Question. You say in this case of Chouteau's you looked into the truth of this statement in regard to the amount of property he lost, partly with a view to counteract anything he might do toward getting the State to pay him?

Answer. Yes, sir.

Question. Did you ever send forward the result of your investigations?

Answer. I think I did; but I do not remember positively whether I did, nor to whom I sent it. I either sent it to some member of the legislature or to the editor of one of the papers in Montgomery; but I could not now say positively which.

Question. Was there ever any bill introduced?

Answer. Yes, sir; there was a bill presented.

Question. The lower house was democratic, was it not?

Answer. I think not, at the time. We had no democratic lower house till last fall.

Question. This was prior to that?

Answer. Yes, sir; in 1868. But I never heard of it after it was presented. I think the claim presented was over $9,000; but I do not think I ever saw or heard anything of it after it was presented. No action was taken.

By the CHAIRMAN:

Question. Were there any such demonstrations around the stand while Governor Smith was speaking as were well calculated to intimidate?

Answer. I do not think it would have intimidated a man of ordinary courage or resolution. It would not have intimidated me. To a person entirely unacquainted with the habits of our people—which, however, Governor Smith cannot be—it might have had such a tendency. But there was nothing about the appearance of the man that I detected unusual to excite apprehension in the mind of a reasonable man.

Question. Were there any efforts made by the white democrats of this neighborhood to get up this meeting of the negroes after the public speaking was over that day?

Answer. None of which I had any knowledge. The first I heard of it was a negro out in front of the door making proclamation, calling them up to the court-house to have a meeting.

Question. You think that originated with negroes, exclusively?

Answer. Exclusively, I think, sir.

Question. Is it not a fact that the negroes in this community have come to feel that their immunity from outrage in the future will consist in their voting the democratic ticket?

Answer. Not within my knowledge. I do not believe it is so.

Question. Have not such as have come over to the democratic party been a good deal petted by the white democrats?

Answer. Not within my knowledge.

Question. Does it not operate as an amulet or a charm against outrage, if a negro affiliates with the democratic party?

Answer. Not that I know of.

Question. Have you known of any outrages committed upon negroes after they have openly proclaimed their intention to vote in the future with the democratic party?

Answer. I have not. I know of very few, if any, outrages committed upon negroes of any political cast, since any considerable portion of them have acted with the democratic party. I know, further, that the community, if an outrage were committed on a negro, would not stop to ask the question whether he had been a radical or a democrat. They would defend one just as soon as the other, in my estimation.

Question. But the important fact I want to get at is, whether an open association with the democratic party by the negro does not operate to protect him?

Answer. I don't think it does; and from this fact I believe that what outrages are committed are committed by a class of people who would not respect a negro or white man on account of his political proclivities or anything else.

Question. Do you know of any disposition on the part of the colored people of this county to emigrate westward?

Answer. I do not. One or two years ago there was a very prevalent disposition to emigrate to Mississippi and the Yazoo Bottom. There have been rumors circulated here of the great fertility of that section; that it would produce a bale of cotton to the acre, and some of our white men removed there, and subsequently many negroes went, and many more thought of going, but did not. That has died out.

Question. Have you heard of any intention on the part of any considerable portion of the colored people to migrate to Kansas?

Answer. I never heard of one of them.

Question. Is any effort made to prevent negroes from migrating from this county?

Answer. I know of none. I have, in fact, never heard the negroes evince any disposition to migrate, except the instance I speak of, going in most cases with men who had been their former employers to Mississippi.

Question. Has there, in your opinion, been any effort made by employers to prevent emigration from this county?

Answer. None in the world. I have heard many planters express a desire that we were free of all the negroes, because, in that event, we could get white labor, but we cannot get it and mix it in with the black labor.

Question. In view of the violence which has been committed upon negroes from time to time, have you heard an expression upon the part of any portion of the colored race to return again to slavery, for the purpose of obtaining protection from their masters?

Answer. I never heard of such a thing.

Question. Who did you ever hear, among the leaders of the colored people, proclaim the agrarian doctrine, to which you alluded in your testimony yesterday—that the land ought to be divided among them?

Answer. The first one I ever heard—I do not remember who it was—but I heard a Mr. Coon—I believe he was a senator—announce that sentiment in the upper room in this court-house, in an address he made.

Question. Did you hear that address?

Answer. I did.

Question. What were the terms of his proposition?

Answer. He announced this general proposition, in speaking of their condition and their past condition, and as to their claims or the mortgage they held on this country, in consideration of what they had done for it, that the land of the leading rebels—I think he qualified it by saying the leading ones—should be confiscated and apportioned among those who had lived on them, and amassed these lands and the wealth by which they had been secured.

Question. There was considerable talk of confiscation, after the war, of leading rebels' property?

Answer. Yes, sir; that was where they first heard of it. I again heard another speech on that subject, in which they were told honestly what they had to expect in that direction. I want to qualify that with reference to Senator Coon. I did not say he told them such would be the case, but he referred to the promise that such would be the case; neither did he tell them it would not be the case. At another meeting, however, at which Dr. Blackford, Mr. Doster, and Mr. Keffer, who was at the time, I think, at the head of the Bureau in this State, made addresses, and Mr. Keffer, in his address, disabused their minds upon that point; told them not to look forward to that; that it would not be done; and gave them some very wholesome advice, reminding them that the rolling-stone gathered no moss. I remember that illustration he used. But that was for a long time a prevailing idea among the negroes here—that they were to get something from the Government.

By Mr. RICE:

Question. That was prior to the reconstruction, though, and soon after the war, when that idea prevailed?

Answer. No; it was not until their attention was turned to politics—about that time.

By the CHAIRMAN:

Question. Did you ever hear that any general officer, or officer of the Union Army, about the close of the war, in haranguing the soldiers under his command, had advocated it as the duty of the Government to confiscate the property of the leading rebels, and to divide that property among the soldiers who had aided in putting down the rebellion?

Answer. I do not remember now; I may have heard of it. It strikes me, upon reflection, that there was something of the kind, but I do not remember who it was now, or the circumstances. It has passed from my recollection. But now I am inclined to think there was something of the kind.

Question. So that the idea originated then in the Army, and among the officers of the Army, did it, toward the close of the war?

Answer. I cannot say that.

Question. You say that the colored people here had been deceived by the promises made to them by their leaders, that the land of the rebels would be apportioned among them; that they were to have the lands and the offices; what leaders ever made such declarations to the colored people?

Answer. By this I refer to their local leaders here.

Question. Did you hear any such declarations?

Answer. Yes, sir; I have heard declarations to that purport, and learned from negroes that they had been made to them. I remember on one occasion some land agent had some bills stuck up about town giving directions in reference to the pre-emption of homesteads, and the word got out that his business was to apportion land among the negroes on a certain day. The notice was that the agent would be here on a certain day, and quite a number of negroes came to town on that day, apparently without any special business, looking around; and inquiry was made, and they said they had come to get their lands; they had understood the man was to be here on that day, and they had come to get them. Who started that rumor I do not know; but it goes to show the credulity of the negro, and that such things had been talked of to him.

Question. Do you know, or have you heard, that any efforts have been made to prevent persons who had been the victims of violence, or who knew of such outrages, from coming before this committee in Livingston?

Answer. I do not.

Question. You are not cognizant of any effort made in any direction or in any way to prevent witnesses from coming here?

Answer. None in the world.

Question. Have you heard an instance of a witness who was on his way from Choc-

taw County, upon yesterday, being waylaid and whipped, and his subpœna taken from him?

Answer. I heard of that last night; that there was such a witness, or that a witness testified to that fact. I heard it on the street; and I believe the account stated further that he had been knocked down with a gun.

Question. Do you know that Price ever lived in adultery with a negro woman?

Answer. I have no personal knowledge of it; but I have such information as does not leave the shadow of a doubt in my mind that such was the case.

Question. Has it not so happened that every prominent radical leader has had his character blackened in this community?

Answer. No, sir. I think in every case they were blackened before they ever came here.

Question. Did it not so happen that it was discovered that their characters were blackened after they became prominent radical leaders?

Answer. No, sir; I do not think so. After they became prominent leaders they did many things which detracted, I think, from their standing as gentlemen, or conscientious men.

Question. Were they not chiefly obnoxious because they had influence with the colored people, and employed that influence to promote the success of the republican party?

Answer. On account of the manner in which they employed that influence they were objectionable; not from the simple fact that they had influence, or that they influenced them to vote in a certain way, but it was the danger or apprehension that the exertion of that peculiar influence produced that made them offensive.

By Mr. BLAIR:

Question. You speak of the destruction of stock. Was that carried on to such an extent here as to determine the planters to abandon, almost altogether, the raising of stock?

Answer. Yes, sir. Numbers of them told me that they had abandoned all idea of raising their own meat—that it could not be done.

Question. That was a pretty universal sentiment?

Answer. Yes, sir.

Question. In reply to a question you stated that George Houston became very odious. Was he odious because he was a republican, or because of his threats to burn the town?

Answer. It was not because of his being a republican, but because of his offensive manner. He seemed to delight in taking occasion, in the hearing of whites, to reiterate what we all knew, that he was, politically, just as good as any man, and such talk as that, tending to aggravate the people; and also from the threats that he had made.

Question. You were asked the question if you thought that Houston had a right to use arms in his own defense, and you responded that you thought he had; did you regard his advice to burn the town, which it was notorious he had given to the negroes here, as in his defense?

Answer. Why, certainly not.

Question. You gave instances of a great many homicides committed by black men upon white men, and by white men on other white men, as well as by black men upon black men, in which no arrests were made and no one brought to justice.

Answer. I did give several.

Question. There were a great many instances, I understood you to say, and you named them, in which black men had killed white men, and there was a failure to arrest them?

Answer. Yes, sir; there have been frequent failures; so far as failure to arrest is concerned, I don't think there has been, or is really, any discrimination as regards the color of the perpetrators at all. There have been cases—there is one case right here now in jail, of a white man killing another in 1865. It has never yet been disposed of. He is in jail now. There have been cases where whites murdered whites and they were apprehended, and in others they were not apprehended; and the same of blacks. My impression is, from what I learn of the solicitor, that there are indictments now pending in the circuit court against whites for injuries done to blacks.

Question. You spoke of the difficulties which lay in the way of justice in this State and this county, particularly, those disguises, the secrecy in which those deeds were perpetrated; is not one of the great obstacles in doing justice in these matters in this State attributable to the fact of the inefficiency of the officers of the State and the county?

Answer. I think it is.

Question. Do the officers of the State and county generally, or have they in the past, commanded the confidence of the people?

Answer. In some instances they have, but in the majority of instances, I do not think they have.

Question. Do you think that this fact, the inefficiency and want of confidence that the people have in their officers, has been an obstacle in the way of doing justice in the courts?

Answer. Please state that again.

Question. Do you believe the inefficiency of the officers and the want of confidence which the community have in the officers are obstacles to the execution of law and the maintenance of justice?

Answer. I think that is, and it has been an obstacle to some extent in the past. I do not now know of a single instance where the officer displayed the firmness, the decision, and fixedness of purpose to discharge his duty that an officer should, in which he met with any obstacles. What I mean, for instance, is this, by way of illustration: in the case of this last raid upon the jail, where, as I have learned from rumor, the sheriff was held by a finger, or possibly his hand, and while at the same time some two or three gentlemen were sitting by a fire on the opposite side of the street, not yet released. I believe, had it been a man of sufficient moral courage and decision of character, they would never have got into that jail. I believe, generally, that if the people know an officer is a man of determination, and he is going to discharge his duty, they will exercise some care lest they fall beneath his jurisdiction. That is the manner in which, I think, a better class of officers would tend to a very material extent to free the country of these disturbances.

By the CHAIRMAN:

Question. What radical officers have you in this county?

Answer. Judge Abrams, probate judge, I believe, is a recognized member of that party; Major Herndon, circuit clerk and master in chancery, who holds several other offices, is another.

Question. Are they not both southern men?

Answer. Yes, sir.

Question. Men held in high respect in the community?

Answer. No, sir; I cannot say that.

By Mr. RICE:

Question. Good officers?

Answer. I know very little of Major Herndon, as an officer. Judge Abrams, so far as the discharge of probate business is concerned, I think is a good officer. He is also a judge of the county court.

By the CHAIRMAN:

Question. Is he obnoxious in any way except on account of his politics?

Answer. He is not obnoxious at all, that I know of, on account of his politics.

Question. What, then, is he obnoxious on account of?

Answer. I have not said he was obnoxious.

Question. Wherein does he fail to meet the popular respect?

Answer. I have not said he fails to meet the popular respect; but I will say now that I do not think he does enjoy the general respect of the community.

Question. Why?

Answer. He has made himself objectionable to them in various ways.

Question. Please state them.

Answer. I do not know that I could give them specifically.

Question. That is just what we want.

Answer. We form conclusions very often and imbibe feelings toward men from a variety of circumstances that it may be difficult to locate or point out specifically; at one time, before the war, he was a slave-holder, recognized as one who was in the habit of getting all out of the negroes he could, and his slaves were probably as abject slaves as the slaves of any other man in the county. Then, when the negroes were free, he became their especial patron and affiliated with them, leaving the people with whom he used to associate before; and by his assistance and encouragement he did more to fasten upon us the reign of these carpet-baggers here than they could possibly have done by themselves. In that way he made himself objectionable, probably as much so as in any other way, to the people here. He seemed to separate from his own people here, with a view, I think, of making money.

Question. Was he not a consistent Union man all through the war?

Answer. He was.

Question. Was he not denounced on that account?

Answer. I do not know whether he was or not; I was not here during the war.

Question. Is there not a bad feeling cherished toward him, because he remained true to the Government during the war?

Answer. I think I can safely say there is not. He was a well-known Union man, and, as I am told, during the whole war it was well known he was. He resided here during the whole time, according to my information.

Question. Did he separate from the white people after the war, or did they separate from him and leave no associates for him, except the colored race?

Answer. I do not know anything about the separation. It generally takes two parties to separate.

Question. You alluded to a separation—that he had separated himself from his former friends?

Answer. Yes, sir.

Question. Did he separate from them, or they from him?

Answer. As I said, he separated from them.

Question. How?

Answer. By pursuing a different course from what the great mass of them did.

Question. Did they not for years refuse to visit him, or countenance him at all; were there not years that the white people here did not visit his house?

Answer. When?

Question. During and since the war.

Answer. I do not know what occurred during the war. It was not the case after the war, until his course here became very objectionable to the people, and distasteful to them.

Question. For what; what did he say or do?

Answer. There are a number of things that he said, and which I would much prefer not speaking of, from the simple fact that Judge Abrams and I are not on friendly terms ourselves, and we have not been, and I would much prefer, if you can do so, that you should get the information you desire from some other witness for that reason. I could refer to acts, but I would much prefer, from that being the fact, not to testify upon that point.

Question. If you are not on friendly relations with him, I shall not press the question.

Answer. There are many people here who know his course during the war and since, as well as I do. I have no desire to say a word to his prejudice, and, as I am not on friendly terms with him, would prefer to be excused.

By Mr. BLAIR:

Question. Mr. Pratt, in the course of his examination, undertook to show the manner and method by which these people could be pursued and captured and convicted of their guilt, and to devolve that duty upon the community; that the community ought to have risen up and done these things; is it not ordinarily the case, in all civilized society, that these duties are referred first to the officers of the law?

Answer. That is the case so far as my knowledge extends.

Question. That they are to take the initiative?

Answer. Yes, sir; so I understand, and are empowered to call in the assistance of the community.

Question. Have this community ever declined or refused on any occasion here to assist their officers when called on to suppress crime, or apprehend the perpetrators of crime?

Answer. Never; I have never known an instance.

Question. If a vigorous pursuit of these criminals was to have been made, it was the duty in the first place of the officers of the law to have called on the citizens to have made the pursuit?

Answer. I think so.

Question. And, therefore, if there was any inefficiency in this pursuit, it is attributable to the officers of the law, rather than to the people?

Answer. That would be my view of the case. I don't think that the community at large could reasonably be expected to engage in a pursuit of that kind, while there were officers here, whose specific duty it was to do such a thing, who remained inactive, or showed a disinclination to engage in it. I have known of assurances having been given by citizens here to the civil officer, that, if requested, he should have all the assistance he wanted, and he would be furnished with a list of names of men who would respond at any time.

By the CHAIRMAN:

Question. Is horse-thieving common in this community?

Answer. I think there is very little of it.

Question. Has there been in times past?

Answer. Not since I have been acquainted with the country. You know how it is in every community.

Question. I was about inquiring whether, when a horse was stolen, there was not a tender of the services all around, mounting in hot haste and pursuing the horse-thief—whether there was not a disposition on the part of the community to pursue and recapture the thief?

Answer. I have never known anything of the kind here, but I find great difference

between this community and the community in which I was raised in Pennsylvania, in a matter of that kind. They there have organizations looking to the recovery of property, and everybody responds—a mutual aid association. There has been very little horse-stealing here—less, I think, than in any community I have ever lived in, and I have never known any such attempts made at recovery. I don't remember now, in fact, of any individual case of horse-stealing. I remember on one occasion of a man being apprehended here who was a horse-thief, but the horse was not stolen here. But this community, I can safely say, is remarkably free from horse-thieving; in fact from all commissions of acts usually denominated, I believe, grand larceny, misdemeanors, or petty thieving of that kind.

By Mr. BLAIR:

Question. They steal hogs?

Answer. O, yes; that is common.

Question. They steal cattle?

Answer. The stealing of stock independently of draught-animals, saddle-animals, I mean, such as cattle, and hogs, and corn, and things of that kind, is common.

By Mr. BUCKLEY:

Question. Did you have much stealing of cattle?

Answer. Yes, sir; a great deal of it.

By Mr. BLAIR:

Question. They steal these things and kill them for food?

Answer. For food, and in some instances for sale. There have been a great many instances of that kind. There is one negro man, I met in town two days ago—I do not know, I think he was in jail—who has had a notorious reputation for a cattle-thief. He follows professionally butchering. They have never succeeded in convicting him. He was caught a year ago, at night, stealing cotton by moonlight, and some Federal soldiers helped in his arrest. He was committed to jail and bailed out, and he is at liberty again.

Question. Who is that man?

Answer. It is Taliaferro Moore, I believe. He has had the reputation of being a notorious thief for years. The persons from whom he stole the cotton recovered it again. It is that class of thieving it is impossible almost to guard against. We have had stores here where the negro could go in and sell half a bag of corn, and they would buy it, which would be almost certain evidence that it was stolen. If a negro has the corn, he may have more of it, and will come in day-time. I believe there was a town ordinance passed suppressing small thieving of that kind.

Question. Is it not of great importance for the maintenance of law and order that the officers of justice should be efficient and enjoy the confidence of the community?

Answer. I think so, undoubtedly.

Question. Is it not one of the most prolific sources of disorder in your community that the officers of the law were forced upon you against the will of the people, in violation of the pledges of Congress, and that they are generally inferior and of bad character?

Answer. I have no doubt that that is the fact to a very great extent.

By the CHAIRMAN:

Question. Do you think that fact leads to the commission of these acts of violence upon negroes—murder and whipping?

Answer. No, sir; I do not think it leads to it, but I think this: I think that with that knowledge, there are acts committed which, with the knowledge that they might subject themselves to officers of a different character, who would not guarantee them the same immunity, would not be committed, and that there would be fewer occurrences of that kind.

By Mr. BLAIR:

Question. Do you believe that in the case of this man Zeke High, if this community had been impressed with the belief that justice would have been meted out to him for his crime impartially by the court, he would have been taken out and hung?

Answer. I cannot say. In the first place, I don't believe that this immediate community had any hand whatever in his taking off, or had any reason to suspect he would be taken, and consequently I cannot say that any opinion they entertained would have affected the case one way or another. I can say this: that the instances of escape from that jail have been so numerous that very few people have any great degree of confidence when a man is put in there how long he will remain. They have been escaping from it so frequently, singly and in pairs, and as high as three or four at a time, that the matter of putting a man in jail there is but a little matter, if he is disposed to break away.

By Mr. BUCKLEY:

Question. He had remained there a year, had he not, and his trial was coming on in a few days?

Answer. I think not. I have forgotten when this Belmont disturbance occurred. I have no recollection when he was put in there; in fact, I had no recollection of his having been apprehended, until I heard of his escape. He had been confined since August 2.

By the CHAIRMAN:

Question. His trial was coming off?

Answer. Court was just on the eve of meeting when I left here in September.

Question. Is there any reasonable doubt that he would have been convicted?

Answer. I cannot say. I had lost sight of the whole thing until on my return home, when I found he had been taken out of jail. If I had known of his incarceration, I had forgotten it until I learned he had been taken out.

By Mr. BLAIR:

Question. The confidence of your people throughout this State was impaired, or the belief as to the integrity of the officers of the law of this State was greatly impaired, by the manner in which they obtained their offices?

Answer. There is no doubt their confidence was impaired by the fact that officers were elected at the same time that the vote was cast on the constitution; that, according to the returns, was defeated by 8,000, as declared by the military officer commanding here; and so the candidates, as evidenced by Mr. Lane's letter, regarded that they were defeated, or not elected, and the fact that these men, after Congress had declared the constitution to be the constitution of Alabama, went forward and qualified to hold these offices, certainly did, and I think, if I may make the expression, very justly, impair the confidence of the people in these men.

By the CHAIRMAN:

Question. Did it where they were proper and worthy men?

Answer. Where their conduct in office showed that they were that class of men, that of course remedied it. I think I can say of the people of Alabama that they are willing to take a man for what he is worth. I myself came here, and they shortly ascertained that I had been raised in Pennsylvania, but I never have suffered any reproach in consequence of it. I have told them I was reared to believe that slavery was one of the greatest curses ever inflicted on the country, &c., and they never seemed to think any the less of me for that.

Question. Were you an anti-slavery man before the war?

Answer. I was; at the time I went to Missouri I had experienced nothing of slavery. I was under the teaching of such men as Mr. Stevens there. It was my education. I was about twenty-two or twenty-three years old when I went to Missouri, and was there three or four months before it occurred to me that I was living in a slave State, and when it did occur to me I looked around and found the atmosphere different from what I had expected. My views underwent a change, although I never bought or sold or owned a slave. I was not opposed to slavery. I believed then, and believe now, it was the best condition for the negro, so far as his wants are concerned.

Question. Do you believe it would be for the benefit of the colored race to return to that condition?

Answer. No, sir; not now. It never would do after they have been once released. As I frequently hear people say here, the negroes are among us, and are objectionable as a class; we cannot remove them, but we may remove the objections measurably by educating them; and that is the general policy of intelligent whites toward the negroes here. We have helped to build school-houses and churches. They call upon our people frequently, and never in vain.

Question. Do the white residents here prefer colored labor to white labor, as a general thing?

Answer. Yes, sir; for they have had no other experience. I have urged strongly the introduction of white labor. Some have been desirous to try it, but never have succeeded.

Question. Would you regard it as a great misfortune if the negroes would separate from the whites, and go to Western States and colonize there?

Answer. Certainly it would be a misfortune; that is, a temporary misfortune. Probably eventually it might not prove a misfortune. My own view is that it would not, but it would be a temporary misfortune, and a great one.

By Mr. BLAIR:

Question. Do you not think if the negroes, under the present order of things, would go to Indiana or elsewhere, it would convert some of the republicans?

Answer. That is a question I would rather be excused from answering. It is under the old adage, "While the lamp holds out to burn," which has been somewhat shaken.

By Mr. RICE:

Question. Was there any apprehension here that this town would be laid in ashes after the threats that you spoke of of Huston?

Answer. Yes, sir; there was undoubtedly serious apprehension.

Question. Have you ever heard of a single town in the entire South being burned by the negroes since the war?

Answer. I don't remember of any now. I remember of a great many fires occurring, which were attributed to that cause, but not a town burned.

Question. No organized attempt for any such thing that you have ever heard of.

Answer. I do not know of any.

LIVINGSTON, ALABAMA, *November* 1, 1871.

JOHN CHILDERS (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. About a mile and a quarter from here, at Mr. Lee's place.

Question. How long have you lived in Sumter County?

Answer. All my life; forty-two years the 11th of this month.

Question. Can you read and write?

Answer. No, sir.

Question. Do you own any land?

Answer. No, sir.

Question. Whose land do you work?

Answer. I have not worked any person's this year at all, sir. My family is on Mr. Lee's place—a rented place.

Question. Have you ever been maltreated in any way by men at night?

Answer. Yes, sir.

Question. You may state to the committee the circumstances.

Answer. Do you mean by disguised men, or men in their natural?

Question. It makes no difference whether they were disguised or not. State the circumstances.

Answer. I was going from this town here; on the bridge, right down here, I was attacked by some men; they rode up to me, struck me over the head with a double-barreled shot-gun. The scars are here on my skull to show for themselves; but what time it was, at this presence, I don't remember.

Question. How long ago was this?

Answer. It was some time last year—in the fall of the year.

Question. How many men were there?

Answer. There were three, I think, in the party; and if it had not been for a brother-in-law of one of the party, I would have been killed.

Question. What did he do to save you?

Answer. He took hold of me and told his brother-in-law that I was a good boy, and it was wrong for him to treat me in that way. I immediately reported this case, right in this same room, to court, before the grand jury.

Question. What was done by the grand jury?

Answer. Nothing at all; it was all pushed off as nothing. There was no case made of it at all.

Question. Were those men disguised?

Answer. Not at all.

Question. Did you know them?

Answer. Yes, sir; I did.

Question. All three of them?

Answer. Yes, sir. One of them is dead at this time.

Question. What time in the night was this?

Answer. Well, sir, I think, to the best of my recollection, it was between 9 and 10 o'clock. I was going out home; I had been in town here.

Question. Were you followed by these men?

Answer. Yes, sir. I was on my way home, and they overtook me on the bridge.

Question. Were you on foot?

Answer. Yes, sir.

Question. And they on horseback?

Answer. Yes, sir.

Question. Were they armed?

Answer. Yes, sir. I just stated that they struck me over the head with a double-barreled shot-gun.

Question. Did he knock you down?
Answer. He didn't quite knock me down. He cut my head. Here's the scar here.
Question. What did he say he did it for?
Answer. He didn't say. He didn't say more than I was a damned rascal, and he had rather kill me than to eat a fried chicken.
Question. What did he say you were a damned rascal for?
Answer. He didn't say for what—more than he just came up and says, "You are a God damned rascal, and I would rather kill you than to eat a fried chicken."
Question. Had you had any quarrels with him?
Answer. He had attacked me here in Mr. Emanuel's store, about a week before that for cursing him for a Ku-Klux.

By Mr. BUCKLEY:

Question. Had you cursed him?
Answer. No, sir.

By the CHAIRMAN:

Question. Had you said he was a Ku-Klux?
Answer. No, sir. I said the truth, that I hadn't done it; that he was misrepresenting me at the time, because I had never made use of any such language about him, because I never knew him before.
Question. Had you met him in Mr. Emanuel's store?
Answer. I met him there at the time.
Question. Had you had any conversation with him?
Answer. Not before that—not a bit. I was in the store, and he came and said, "John Childers, come this way." I had my hat on my head, and snatched it off, and walked up and said, "What is it, Mr. Burton?" He said, "You have cursed me for a damned Ku-Klux." I said, "Mr. Burton, I never did such a thing in my life." He says, "that's what I understood before, and God damn your soul, I had rather kill you right here now than to eat a fried chicken." I says, "Mr. Burton, if you kill me, you do it for nothing."
Question. Did he say that at Emanuel's store, or at the bridge?
Answer. He said it at Emanuel's store, and he made the same reply to me when he struck me at the bridge.
Question. What is his name?
Answer. Jeff Burton.
Question. Is he living yet?
Answer. Yes, sir.
Question. Nothing has ever been done to him?
Answer. Nothing. I came and consulted the citizens of the town about it, and asked them what they thought I ought to do about it, and they told me to drop it, and have no more of it; and me in the situation I was, of course I had to do it.
Question. Do you know whether he was a Ku-Klux or not?
Answer. I do not know whether he was a Ku-Klux or not.
Question. Do you know of his having maltreated any other negro beside yourself?
Answer. No, sir.
Question. Is it thought among the colored people that he belongs to the Ku-Klux?
Answer. It is.

By Mr. RICE:

Question. Who were the other two men?
Answer. Billy May, who is dead now, and his brother-in-law, Davis. Billy was connected in a family that I used to belong to.

By the CHAIRMAN:

Question. Mr. Davis interfered for you?
Answer. Yes, sir; he was the man that saved my life. Mr. Burton would have killed me if it hadn't been for him; because, after he struck me over the head, he took his gun and commenced to punch me, which would have pushed me off the bridge, which would have killed me dead as a hammer.
Question. Was he drunk?
Answer. I can't say that he was. He had mighty good sense if he was. After he and Mr. Davis and all got upon the hill, he made a reply to Mr. Davis that he could not bring me up; that I could not get up, or would not get up, and Mr. Davis said I would, he would bring me in their presence on the hill. He swore if I would come on the hill, if I would come out when Mr. Davis called, I should not be hurt. After he swore to that Mr. Davis called me, but I was at the bottom of the hill where he had struck me. Mr. Davis called me "John." He called me three times before I answered him. The third time he called I answered him. He says, "Come forth, you shan't be hurt." Then I scrambled and got up the hill to where they were; but when I got up there, Mr. Burton, the man that struck me, says, "John." Mr. Davis—that is the man that

was defending me from Mr. Burton—he says, "Mr. Burton promised he would not hurt on if you came up here at my call."

Question. Davis said that to you?

Answer. Yes, sir. I says, "Mr. Davis, you called me and you have defended me all the way through this trip, and I think it my duty to come to you; but now, if Mr. Burton kills me, it will be chargeable to you; I will charge you with it." He says, "Mr. Burton isn't going to hurt you at all, because he has promised me." When I got up, I says, "Mr. Burton, what right had you to strike me as you did?" He says, "I did it in a passion. I did not know who you were." Me and another colored man was in a dispute about some money he had taken out of my pocket, over here in a shoe-shop, where I was lying down asleep; and we were in a big fuss when Mr. Burton overtook us, and he just rode up and come down with his double-barreled shot-gun over my head. The man I was working with, Mr. William Mimms, told me next morning that I had to go to town to prosecute him. He had no right in the world to do that. I came to town to consult the citizens of the place, and they said I should just drop it, and have no more of it, and let it go off; said it was nothing, and I had to do so.

Question. Have you ever been molested or injured at any other time?

Answer. No, sir; that is the only time in that respect. I was beaten pretty severely in the street one day. A party of men had come up and wanted me to give them change for confederate money.

Question. When was that?

Answer. After that, I think; last year.

Question. Go on and tell all the facts.

Answer. I was at the grocery over there, and some men came up with some confederate money. He said I was drunk, which was not the truth, I reckon, gentlemen, as he contended for. They thought I was drunk, and they had a weight of confederate money, and they called on me to give them change for it. I looked at the bills and saw they were all old "blue-back" bills, and I says, "Gentlemen, this is confederate money, and it will not do for me to give you greenbacks for it." Finally, in the discourse about giving them change for this money, they got insulted at my conversation, and they came mighty nigh killing me right there, I thought.

Question. What did they do to you?

Answer. I don't know whether you can see the scars here on my face or not.

Question. Describe what they did to you.

Answer. They beat me, and knocked me, and did everything a man could do to a man except to kill him. They didn't quite kill me.

Question. What weapons did they use?

Answer. One of them drawed a pistol on me. I was sensible enough to take the pistol from him.

Question. What were you struck with?

Answer. I was struck with a stick and a brickbat.

Question. How many men were concerned in that?

Answer. I think, to the best of my recollection, there were three in the party; but I have never been fortunate enough to see but two of them since then, and since I have seen the two, one of them is dead; his name was Lee—he is dead. The other man I never was fortunate enough to learn his name.

Question. You do not know any of the three except Lee, and he is dead?

Answer. Yes, sir.

Question. All the citizens of the town saw them beating you in that way?

Answer. Yes, sir.

Question. Did any one interfere to save you?

Answer. Mr. Benjamin Barker, over here, is the only man that relieved me.

Question. Is he the coach-maker—Barker?

Answer. Yes, sir.

Question. How long did they beat you before he interfered?

Answer. Well, till he thought they were about to kill me. He saw no one else would relieve me, and he came up and said it was wrong for them to treat me in that way, being as the thing commenced in the way it did—about confederate money.

Question. Was any one taken up or punished for that?

Answer. None at all.

Question. This was done in open daylight?

Answer. Yes, sir; Sunday morning, between 9 and 10 o'clock.

Question. Plenty of people looking on at the time?

Answer. Yes, sir, plenty of them. I tried to make a bill of it, but it was refused.

Question. To whom did you apply to have them arrested?

Answer. I applied to Mr. Chapman, the prosecutor in every respect here.

Question. What did he say?

Answer. He said it was better, in the way the thing came up, to drop it and have no more of it.

Question. He refused to do anything?

Answer. Yes, sir. I went to him in this way and asked him what he thought was best to do, before I offered to make any prosecution on it at all; he said it was best to drop it and have no more of it.

Question. Were you ever maltreated or interfered with at any other time?

Answer. No, sir; these two times were the only times.

Question. What do you know of any other colored people in this county, besides yourself, being beaten or shot, or in anywise injured by the whites?

Answer. Do you intend for me to tell everything?

Question. Everything you know. Take up one case after another, and let us know all of them.

Answer. Well, gentlemen, I am delicate in expressing myself. I feel myself in great risk in doing these things. I have no support in the State of Alabama. I am a citizen here, bred and born; and have been here forty-two years. If I report these things I can't stay at home.

Question. We will not require you, against your will, to give the names of the men who have done these acts of violence. We simply called you to state what colored people had been whipped, shot, or otherwise maltreated, and if you don't choose to give the names of the men who committed these acts of violence, we will not press you to do it.

Answer. I am in a tight place where I am, and I wish to give you gentlemen all the satisfaction I can, but, in the same time, I must be particular in saving myself, because it is just as well to be in one gun-boat as another.

Question. Go on and tell of any other colored men that have been maltreated.

Answer. So far as whipping and beating is concerned, I don't know much about it; but I know of several men being killed in the place. I know of men taken out of jail and being killed.

Question. You need not mention the cases of the men taken out of jail and killed. The committee have been informed of all these cases, but speak of other cases where men have been killed.

Answer. Well, I know of a certain friend of mine, something connected in my family, that was killed on the highway, passing from Livingston home.

Question. What was his name?

Answer. I don't wish to be mistaken in his name. I can have them fetched here that can tell you his name precisely.

Question. You do not remember his name now?

Answer. No, sir.

Question. When was he killed?

Answer. I think it is about two years ago. He was killed between here and Horn's Bridge.

Question. In the day-time or night?

Answer. In the day-time.

Question. How killed—shot?

Answer. Shot, sir.

Question. By one man or several men?

Answer. There were several men. It was so stated, that there were several men in the crowd where he was killed.

Question. Was anything ever done with the men who killed him?

Answer. Nothing at all, sir, with those who, it was said, killed him.

Question. What is the next case?

Answer. You said you had learned about the jail cases?

Question. Yes; you need not give them.

Answer. I know one thing of my own; a daughter of mine; not by Ku-Klux; would that be acceptable?

Question. Yes.

Answer. She was awful badly whipped. I was not here. I was in Mississippi. I came here the day after she was whipped. I got back the next day. She lived seven days after I got home. My wife hired her out to a man while I was gone, and he awfully abused her. It was done the Wednesday before the last 4th of July. You can count back from the last 4th of July and see what time it came on.

Question. Was there more than one person concerned in whipping her?

Answer. No, sir; Mr. Jones, who had her employed from my wife, he was the one that did it. I aimed to prosecute him at the last gone court, but the witnesses, by some means or other, was run away. I don't know; I could not tell how they got them out of the way. There was no case made of them.

Question. Did she die because of the whipping?

Answer. I am satisfied that she did. I can't say that, but I am satisfied that she did.

Question. Did you see her body after she had been whipped?

Answer. I did; I examined her myself; I buried her with scars on her that long, [illustrating;] a finger-length.

By Mr. RICE:

Question. How long after the whipping did she die?

Answer. In eight days.

Question. How old was she?

Answer. She would have been ten years old the 26th of next August.

By the CHAIRMAN:

Question. What was she whipped for?

Answer. She was hired out as a nurse to see to the baby; she had taken the baby out in the front yard among a parcel of arbor vitæ; and, being out there, the baby and she together, she was neglectful, so as to leave the baby's cap out where it was not in place when the mother of the child called for the cap, and it could not be found. That is what she told me when I came home that she was whipped for. When I came home on Friday night, I think, to the best of my recollection, in July, before the 4th of July, I wrote to my wife I would be home on the 4th of July; I think this last 4th of July was on Saturday. You know better than I do. Anyhow, I came home the day before the 4th of July. I found my little daughter at home. She had run away from this place where she was abused; but I saw the rest of the children playing in the yard, and she was in the door sitting there, and I thought that was strange, because she was a mighty playful chap, and I asked, "What are you sitting here for?" And she says, "Pap, Mr. Jones has beat me nearly to death." [The witness weeping.]

Question. And then she told you the particulars of how she had been whipped, did she?

Answer. She came up. I had been gone away from here, then, about three months, or a little more. I left them on the 20th of March. I didn't hire her to Mr. Jones myself; my wife did that in my absence. When I came she told me the condition of everything, and how she had been treated by Mr. Jones. Well, I was glad to see my wife and child, and the balance of the children, and didn't pay much attention to her that night. I come on the train that night, and got off the train below here at Hook's Station, and walked through two miles the nigh way home. She was sitting in the door, and I asked her how it come she was not playing with the rest of the children. She says, "Papa, I am so sore I can't play." I says, "What's the matter with you?" She says, "Mr. Jones has beat me nearly to death." I says, "He did?" She says, "Yes." She pulled up her coat here and showed me. "Look here, papa, where he cut me," and there were great gashes on her thighs, as long as my finger. I buried her with them. I charged on her mother then for hiring her to Mr. Jones. She says, "I had them all here and could not tend to them all in your absence; and Mr. Jones told me he would treat my children well if I would let him have them." He had my son and daughter both there; my boy was still with Mr. Jones. He didn't come away. I didn't pay a great deal of attention to her, only to examine and see where she was whipped. The next morning I come here to town. That was Friday night that I came home. She says, "Papa, I want you to get me one of those little roll-combs the little girls roll their hair with." When I got to town I got with my acquaintances and forgot it, and when I got home, Saturday night, she asked me and I told her I didn't have it, but I would get it Monday. I came here Monday, and when I got back she was sick and speechless, and there she lay speechless. From that time till she died she never spoke again. I carried the comb home to her about 12 o'clock Monday. I tried to amuse her and says, "Daughter, here's your comb." She took it in her hand and laid it down by her, like that, [illustrating,] but she never did speak and never has spoken. Tuesday she seemed a little better in the morning than she was Monday, and I went off to John, a neighbor, to plow for him. I thought I would work a few days while I staid here, and she still—Tuesday after I left—kept getting worse. My wife sent for me about dinner-time. I went home and looked at her and felt of her. She still was speechless. I felt of her and she commenced sweating so freely I thought she was getting better. I thought she was sweating off the fever, and will be all right directly, through the course of the evening. She didn't get no better from the sweating of the fever. I suppose it was the change for death; I don't know what it was. Wednesday morning she seemed to be right quiet and peaceable, and laying there not speaking yet, and I went off still to this neighbor's to plow; and about two hours after I got away from home my wife sent for me, and I come and examined her, and set down by the bed and staid there and tried to amuse her, and still she didn't talk none. I commenced examining her then, and stripped up her clothes, and I found bruised places all over her body, up here, you know, [indicating the waist.] I told my wife I thought it a hopeless case. She says, "John, send for the doctor." I says, "No, wait a little while, and see if she don't get better." That was Tuesday. I failed to send for the doctor till Wednesday. I come to town then. She seemed, after daylight, to commence sinking and getting worse. I come to town for the doctor at daylight—Dr. Garber. He went over and examined her, and said: "She has congested the brains, and pour water on her just as long as she would breathe." That was enough to satisfy me she was going to die right away. He said, "pour water

on her as long as she would breathe." I said, "I think it is a hopeless case, from what he says. If he thinks there is any hope of her getting well, he wouldn't ask us to pour water on her after she gets over this." He said, "Pour water on her as long as she would breathe." My wife says, "I noticed that." The doctor come and staid with her about three hours, and set right by her, and poured water on her himself. He got on his horse when he got ready to start, and said: "John, pour water on her; I will come back this evening." Between the time he was gone he left some medicine for her to take. I gave her medicine, and I think she got a little better. She took the medicine when I put it in her mouth. She swallowed it freely; and I told the doctor when he came I thought she was getting a little better. He examined her, and said: "Continue to pour water on her just as long as she will breathe." About 7 o'clock in the evening she died—about sundown. I tried to make a case of that; but the witnesses all went off. I think that she died from the abuse, myself—that's my notion about it; but, by some accident or other, the witnesses all went off, and I couldn't make no case out of it myself, because I was not here myself, and didn't see what was done to her.

Question. Has nothing ever been done with Mr. Jones?

Answer. No, sir; nothing at all. He came to me the day before court and asked me for a compromise on the case. Well, I had to compromise, because I had no witnesses. I told him I must give it up. I didn't see nothing that he did to her, and the ones that did see it were gone away.

Question. How did you compromise it?

Answer. I just compromised it to drop it and have no more of it, as the witnesses were gone. They were in Tennessee; that was their homes—all except one that's here in Livingston now, that I can have fetched in ten minutes. She will testify that she saw it all.

Question. What is her name?

Answer. Jane Killens.

Question. Did she see your daughter whipped?

Answer. She did, sir. She saw it all.

Question. Where is she living?

Answer. In about two hundred yards of this place, right now. She was living on the place where my daughter was at the time.

Question. Please ask her to come here about 3 o'clock this afternoon.

Answer. Yes, sir; I will.

Question. Do you know of any other colored person that has been whipped or otherwise mistreated, or have you heard of any other cases?

Answer. I have heard of so many, and the cases are so common, so frequent, we are so subject to such a thing, I could not mention one case particularly.

Question. How many cases of whipping of colored people do you think you have heard of?

Answer. I wish to tell you the truth in everything I say. The thing is so common that I take no record of it at all.

Question. You say it is a very common occurrence for colored people to be whipped?

Answer. Yes, sir; just as common as daylight.

Question. Since the surrender—since the war?

Answer. Yes, sir. I don't make any reference to before the surrender at all. I mean since every man been has free.

Question. How are they whipped, generally; at their own houses or elsewhere?

Answer. From one place to another. Sometimes they come to their houses and take them out and whip them.

Question. Whom do you mean by "they,"—several persons?

Answer. Yes, sir; several persons.

Question. White men?

Answer. Yes, sir; white men.

Question. Do they come with disguises?

Answer. Sometimes they say they come with disguises, and sometimes with their own features, and take them out.

Question. And whip them?

Answer. Yes, sir.

Question. For what offenses?

Answer. For politics.

Question. Is it generally for politics?

Answer. Yes, sir.

Question. On account of their voting the radical ticket?

Answer. Yes, sir.

Question. Have you heard of a good many cases of that kind where men have been whipped for politics?

Answer. Yes, sir.

Question. Abused unmercifully for politics in order to make them vote the democratic tickets?

Answer. Yes, sir.

Question. Now, without going over all the cases, you may mention one particular case, for a sample of the rest, and give the committee one particular case that you have heard of. We do not expect you to testify of your own knowledge, because I suppose you were not there; but if you have received reliable information that men have been whipped on account of their politics, you may give us one or more cases as samples.

Answer. I can give my own self to that effect.

Question. Go on with yourself, then.

Answer. I know the abuse I received for no other purpose, only as I was belonging to the Union League.

Question. When was that?

Answer. The time I told you.

Question. On the bridge?

Answer. Yes, sir.

Question. The time you told about on the bridge?

Answer. Yes, sir; it was for no other purpose in the world.

Question. How do you know that?

Answer. Because I knew that I had never done nothing to any man, and I did stand square to the League?

Question. Was this Jeff Burton a democrat?

Answer. Yes, sir; he is a democrat.

Question. Mention any other case where the people went to a colored man's house and beat him because of his politics?

Answer. Well, so far as that part is concerned, I can't precisely state to the committee any one else that has been beaten, especially for that purpose; but I can mention men that have been killed especially for that purpose.

Question. Well, give them.

Answer. This man I was telling you—I could not recollect his name—was killed for that purpose, and nothing else; there was never any other charges fetched against him that I heard; and the parties that killed him, I don't know who they were, only I have heard many times who they were; but then I could not state.

Question. How do you know this man, killed between Livingston and Horn's Bridge, was killed on account of his politics?

Answer. Because there was no other charge against him in the world that I ever heard. I state that I never heard any other charge against him, except that he was a radical—one of the leading parties of the radical party.

Question. Did you ever hear any threats made by democrats against negroes of what would be done if they voted the radical ticket?

Answer. I have had threats on myself. I can tell them.

Question. What kind of threats were made to you?

Answer. I have had threats if we all would vote the democratic ticket we would be well thought of, and the white men of the country—the old citizens of the country—would protect us; and every struggle or trouble we got into we could apply to them for protection, and they would assist us.

Question. Where did you hear that said?

Answer. I have heard it often. At the last election it was given to me. There was a man standing here in the court-house door; when he started to the ballot-box he told me he had a coffin already made for me, because he thought I was going to vote the radical ticket.

By Mr. BLAIR:

Question. Who was that man?

Answer. Well, I am afraid to tell his name, sir.

By the CHAIRMAN:

Question. That was at the last election—the last presidential election?

Answer. No, sir; the last governor's election—last fall.

Question. Did you hear any other negroes threatened?

Answer. Well, there was so many of them threatened, I could not say. It was just as common as drinking is for such things as that to be; but then I could not name any particular one that had that threat on him, because it was on all.

Question. Were the colored folks generally alarmed by these threats, and afraid to vote their true sentiments?

Answer. Yes, sir, they were.

Question. I have heard that a great many colored people voted the democratic ticket at the last governor's election.

Answer. Yes, sir.

Question. What made them do it?

Answer. For fear. I voted it myself. I voted the democratic ticket.

Question. Were you afraid if you voted the radical ticket you would be harmed?

Answer. I was, sir; because, as I just stated to you, there was a man told me he had a coffin already made for me.

Question. If the colored people were not interfered with; if they were allowed to vote their own sentiments freely, and without any molestation, how would they generally vote?

Answer. Radical, sir.

Question. Do you know this Sydenham Porter?

Answer. Yes, sir; I am well acquainted with him. I have known him for fifteen years.

Question. He votes the democratic ticket, does he not?

Answer. Yes, sir.

Question. Is he a good deal petted and *feted* by the democrats for going over to them?

Answer. Yes, sir.

Question. They think a good deal of him?

Answer. Yes, sir.

Question. Put him up to speak in their political meetings, do they not?

Answer. Yes, sir; they do. He is something superior to the balance of the colored people in the community.

Question. By whom is he employed; what does he follow for a living?

Answer. Well, sir, he isn't employed particularly by no one; he was so well helped up that he works his own scales; he has a little shebang of his own running.

Question. What is that?

Answer. Selling whisky and other things.

Question. Do the white democrats patronize—go there and drink his whisky?

Answer. I don't know whether they do. He is out in the out edge of town; I never go to his house.

Question. Does he seem to have plenty of money, and dress well?

Answer. Yes, sir, he does.

Question. You think he makes it profitable to be a democrat?

Answer. In his way of acting he seems to be a little above the general run of the race.

Question. Is he well thought of by the colored people?

Answer. No, sir. In other words, the general part. The leading parties of our radical party has gone over that way.

Question. What do you think has induced them to go over?

Answer. Promises and influences.

Question. So far as your acquaintance with your people goes, how many of them do you think would vote the democratic ticket, if left to themselves?

Answer. Not one, sir. Not a single one.

Question. Where a colored man is known as a democrat, and votes the democratic ticket, is he ever whipped or interfered with?

Answer. Not at all, sir.

Question. So, it is only the radicals that are whipped, and their children killed?

Answer. Yes, sir; these men that contends for their equal rights for person and property with the white men.

Question. They are the men that are singled out and punished, are they?

Answer. Yes, sir.

Question. How many of your people in this county do you think have been whipped, or otherwise outraged because of their political sentiments?

Answer. O, hundreds. I could not number them to you, sir.

By Mr. RICE:

Question. Can you name any other colored men that voted the democratic ticket for the same reason you did—prominent colored men?

Answer. I never questioned them, sir, what was their reasons for voting it, but I heard of all such threats and inducements that were given to influence them to vote the democratic ticket. I could not say that any other man besides myself did it for the same reason I did.

Question. But that is your belief?

Answer. Yes, sir, that is it. I voted it, and I don't pretend to deny it before nobody. When I was going to the polls there was a man standing in the door and says, "Here comes you, God damn your soul, I have got a coffin already made for you." I had two tickets in my pocket then; a democratic ticket and a radical ticket; I pulled out the democratic ticket and showed it to him, and he says, "You are all right, go on."

By the CHAIRMAN:

Question. And you think the colored people who voted the democratic ticket did it, as a general thing, to buy their peace?

Answer. Yes, sir; for nothing else; for no other purpose.

By Mr. BLAIR:

Question. Where does Mr. Davis, the brother-in-law of Mr. Burton, live?

Answer. I don't know where he lives; but I saw him in town a few minutes ago—that is, just before I came in here.

Question. What is his first name?

Answer. Hugh Davis.

Question. Does he live in this county?

Answer. Yes, sir. I always give him the credit of saving my life.

Question. Where does Jeff. Burton live?

Answer. He lives in this county, about 3½ miles from here, sir.

Question. Billy May, you say is dead?

Answer. Yes, sir, he is dead.

Question. Who was the man that wanted you to change confederate money for him?

Answer. His name was Mr. Lee. That was the man that fetched the money to me.

Question. What is his first name?

Answer. I don't know; they were all strangers to me.

Question. Where does he live?

Answer. He is dead; and the other parties, I never was smart enough to learn their names.

Question. Mr. Barker was present and interfered in your behalf?

Answer. Mr. Barker came in in the time of the operation and prevented them from going on as far as they would have gone.

Question. Who was the doctor that attended your daughter?

Answer. Dr. James Garber.

Question. Where does he live?

Answer. He lives here in town; not over a hundred yards from here, I reckon.

Question. What was Mr. Jones's first name?

Answer. I am not able to tell you.

Question. Where does he live?

Answer. He lives out here about a mile and a half from here. He has been here all the morning, and just went home a little while ago, to dinner.

Question. You tried, you say, to have him indicted?

Answer. Yes, sir.

Question. You went to see the solicitor?

Answer. No, sir; I talked with an outside lawyer about it, and he made up—he took down of evidence that was given, and said he would give it to the grand jury; and on Monday morning before court was opened Mr. Jones came to me—that was on Sunday evening he came over to my house to see me about it. I told him I would meet him here Monday morning, when the circuit court was to be opened and the grand jury; and the witnesses were gone. He come and said, "John, the witnesses is all gone in this case; and now, between me and you, you know nothing about it; and your witnesses have stole a hog and had to run away and you can't make nothing of it; and I have enough witnesses here to prove everything that has been said a lie about this matter; and I think it is best for you to drop it;" and I studied over the matter, and knowing the situation I stood in here amongst the parties, thought it was better for me at the time, without any witnesses, to drop it than it was to try and carry it through without any witnesses.

Question. You did not go to the solicitor about it?

Answer. No, sir; I went to an outside lawyer.

Question. Who?

Answer. Mr. Ed. Smith. If he hasn't tore up the thing after he agreed to drop it, being witnesses is absent, he has it all written down there on a paper now. The compromise was through fear, that is just the long and the short about it.

Question. You say a man came to you on the day of election and told you he had your coffin ready?

Answer. Yes, sir; he didn't come to me; he was standing in the door there, and I was going to the polls to vote. I knew him very well, and he says, "There goes John Childers; I have got a coffin all ready for him." I run my hand in my pocket, pulled out my ticket and showed it to him. He says, "You are all right."

Question. Who was that man?

Answer. It would be difficult for me to give his name; I could not do it.

The CHAIRMAN. I do not think it should be pressed if he is in danger.

Mr. BLAIR. That is simply because he cannot name any one who said so.

Question. Do you decline to give the name?

Answer. If you do not press me to do it. Of course if you do, of course I will give it, and take the risk on my own self. I know it will cause me to have to leave home to do it.

Mr. BLAIR. I ask the question.

The CHAIRMAN. The majority are of opinion upon the witness's statement that if

he divulges the name it will endanger his person, possibly his life, and that he will be compelled to leave home, that he should not be compelled to answer the question.

The WITNESS. I would have to take the first conveyance that come along; I would not be found here to-night after supper-time if I told you his name.

Mr. BLAIR. I decline to cross-examine the witness any further.

LIVINGSTON, ALABAMA, *November* 1, 1871.

ROBERT D. WEBB sworn and examined.

The CHAIRMAN. This witness having been called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Doctor, give your occupation and residence?

Answer. Livingston, Sumter County, Alabama; physician.

Question. State if you examined a negro man on yesterday, at my request, by the name of Robert Fullerlove?

Answer. Yes, sir; I examined him in the evening shortly after I saw you yesterday. I took him into my office.

Question. State whether you found that he had any injuries upon him of any kind.

Answer. I examined him in the presence of Dr. Kinnard and two other gentlemen. We stripped him completely. I found no indication of any injury whatever, except a small one on the thigh, about an inch long, I suppose, that had on it already a scab, showing that it was not of very recent origin.

Question. That negro testified before the committee that yesterday morning, at 4 o'clock, he was overtaken upon the high road, knocked down by the blow of a gun on his head, stripped and whipped severely with a stirrup-leather on his naked flesh.

Answer. He made about the same statement to me, except in relation to the gun. He said he was struck with the gun, but it did not knock him down.

Question. Struck on the head?

Answer. Yes, sir; I examined his head to see if he had a wound.

Question. He is bald-headed?

Answer. He is bald-headed on the back of his head. I examined it and found no indication of the lick on the head. I asked him which side he got the lick on. He said upon both sides, but that he 'fended off the lick with his hands, and it did not hurt his head much. I then examined his hands, and saw no indication of bruises on his hands. I examined him all over, and I stripped him naked and examined him from his head to his heels.

Question. And there was no indication of a bruise?

Answer. None, except what I have spoken of, which had a scab, indicating that it was several days old. It was merely a scratch on the skin.

Question. In your judgment, as a physician, are you prepared to say whether he had been beaten with a stirrup-leather on his naked flesh that morning?

Answer. Well, sir, I should say he was not. That would be the conclusion I would come to from the examination.

By the CHAIRMAN:

Question. In whose company did you examine Mr. Fullerlove?

Answer. Doctor Kinnard, and Mr. Battle, and Mr. Hoyt.

By Mr. BUCKLEY:

Question. With a stirrup-leather as wide as a stirrup-strap generally is, could a negro be quite severely whipped and never break the skin or leave a mark?

Answer. Well, you might do it in such a manner as to prevent breaking the skin carefully.

Question. And upon the naked flesh that way a person could be quite severely whipped without breaking the flesh, with a strap?

Answer. It is possible to do it, sir.

By Mr. BLAIR:

Question. The negro testified that this was a stirrup-leather, with a buckle on the end of it; that he was struck a blow, but he said the buckle flew off, and he picked it up and put it in his pocket. Suppose it had a buckle?

Answer. If the buckle was on it, and the blows were inflicted in the usual manner of whipping a man, it would break the skin.

Question. Would it raise a welk?

Answer. Yes, sir, if the blows were severely given.

Question. With the leather alone?

Answer. Yes, sir; but you could whip a man by tapping him lightly, without breaking the skin.

By the CHAIRMAN:

Question. In such a case, on a dark skin, you would not notice the marks if it was done with the intention of preventing it?

Answer. Whipping lightly, you might possibly do it, but I do not think it probable; I spoke of it as possible.

Question. Though a white skin turned black and blue from the effect of the bruise or blow, would that be apparent on a black skin?

Answer. Not so much so as it would on a white skin. If a bruise was severe, it would show on a black skin.

Question. Would it unless the skin was broken or swelled?

Answer. Not unless it was swelled.

Question. How came you to make this examination; was it at Fullerlove's request?

Answer. No, sir; I did it at the request of General Blair.

Question. How did you induce him to submit to this?

Answer. I saw him across the street and sent a young man to him to tell him to come over to my office, and told him what I wanted exactly; I wanted to examine him and see the nature of his wounds, and told him my object.

Question. Did he submit?

Answer. Yes, sir.

Question. Did he repeat the same statement to you about the young man striking him with a gun, and stripping his pants down?

Answer. Yes, sir; he repeated that.

Question. And the infliction of the blows with a stirrup-leather?

Answer. Yes, sir; I asked him also in regard to his political creed; why it was that they had done it, and if he had not been a republican; and he said it was not, for he had never voted in his life; he never had had anything to do with elections, and never had voted.

Question. You questioned him upon that subject?

Answer. I questioned him upon that point. He stated to me that he intended, probbably, to vote a ticket at the next election which might probably be democratic. He did not say positively, but indicated it would be democratic.

Question. Was that a part of the instructions you received, to examine him as to his political sentiment?

Answer. No, sir; I received no instructions on that; I did it voluntarily.

Question. Are you a democrat?

Answer. Yes, sir; I act with the democratic party now, but I never was ranked among the democrats until lately.

Question. Were you ever a radical?

Answer. No, sir; I was a whig before the present organization.

Question. Do Doctor Kinnard, Mr. Battle, and Mr. Hoyt vote with the democratic party?

Answer. Yes, sir; I suppose they do.

Question. Did you call them in to assist in the examination?

Answer. I called in Doctor Kinnard. The other two young men happened to be in the office at the time. I called Dr. Kinnard in.

Question. The object of this was to break the force of his evidence before this committee, was it not?

Answer. Well, sir; I suppose so. I don't know what; the object was not stated to me.

Mr. BLAIR. The object was to ascertain the truth. I instigated it.

Question. He did not refuse or hesitate to submit his person to examination?

Answer. No, sir; I told him I had been requested by the committee to examine his wounds.

Question. Did you say you were requested by the committee, or General Blair?

Answer. I am not distinct; I think I said the committee.

Question. In point of fact, you received no request from any one except General Blair?

Answer. None but General Blair, sir.

By Mr. RICE:

Question. Did you know this man before?

Answer. I never saw him before, sir.

Question. How did you know him, to send to him?

Answer. I know most of the negroes in town here; I knew he was in the town and just supposed it was him, from his being a stranger. I saw him walking across the street, and sent over and inquired his name. He told me his name. I know most of the

negroes around the town here, and he being a stranger I supposed it was him. I knew he was in town.

Question. You say there was no mark on his hand?

Answer. I did not see any, sir.

By Mr. BUCKLEY:

Question. Did you see a mark on his fore-finger?

Answer. No, sir; I don't remember any.

Question. Did you see where the skin had been broken there?

Answer. No, sir; I did not discover any except the one on his leg.

By the CHAIRMAN:

Question. Did you look critically at his hands to discover?

Answer. Yes, sir; we looked at them to see whether there was any injury on them, such as he would receive from the blow of a gun.

LIVINGSTON, ALABAMA, *November* 1, 1871.

MICHAEL C. KINNARD sworn and examined.

By the CHAIRMAN:

This witness having been called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Doctor, what is you residence and profession?

Answer. Livingston, Alabama; physician.

Question. State, doctor, whether you examined a negro named Robert Fullerlove, yesterday.

Answer. Yes, sir; I did so.

Question. State whether you found upon him any bruises or cuts, or evidences that he had been whipped that morning.

Answer. I examined him with Doctor Webb. We found one little mark on his hip, probably an inch long. I think probably two little marks—one was plainer than the other, and a little something on one finger; that was all.

Question. What was the nature of the mark on his hip? did it appear to be recent?

Answer. No, sir, it didn't have the appearance of being recent; it looked like it was two or three days old; there was no blood about it nor on his drawers and shirt: it was scabbed over partially.

Question. If it had been inflicted that morning, would it have been scabbed over in that way?

Answer. No, sir.

Question. Did you examine his head?

Answer. Yes, sir.

Question. Was there any evidence of his having received a blow on his head?

Answer. No, sir.

Question. The negro said he had been struck a severe blow on the head with a double-barreled gun; that he had been compelled to take his clothes off and had been severely beaten with a stirrup-leather with a buckle on the end of it, that morning at 4 o'clock.

Answer. We examined his buttock well, all over, and all up his back, and then took off his shirt above, and we found no evidence of anything like a person being whipped. I have seen negroes whipped in slavery times and know how they look afterward—the nature and appearance of it. He had no appearance of it at all.

Question. If he had been whipped that morning on the naked flesh with a stirrup-leather, do you think he would have shown evidence of it?

Answer. Yes, sir.

Question. Do you hold the position of superintendent of schools here?

Answer. Yes, sir; superintendent of education in Sumter County.

Question. What is the disposition of the people here in reference to educating the negroes?

Answer. Well, sir, I find the people very much interested in that pretty nearly all over the county; the trustees and individuals come to me to solicit schools, and to send teachers to them and to assist them in getting schools for them all over the county.

Question. Did they express themselves very much in favor of it?

Answer. Very much.

Question. Are there many schools in the county?

Answer. Yes, sir.

Question. There is evidence before the committee that one or two school-houses in the lower part of the county have been burned.

Answer. I have heard of two houses, one being burned and the other being injured some by fire.

Question. Have they been rebuilt?

Answer. The one that is near Cuba, that was burned, never has been rebuilt. The one near Payneville, that the top was burned, I ascertained last week that it has only a little of the top; the body of the house was not burned, and it can be readily recovered. This one near Cuba, I have tried to ascertain the facts, and if I could find out the names of the guilty parties, to prosecute them. It is believed in Cuba—there was a school taught there last year by a man named Watson, and he attempted to teach school again, and it is thought that was burned by a negro. There is some disturbance among the negroes there—not a disturbance, but something done about excluding the negroes from preaching in that school-house; and it is thought that was burned by a negro. The one near Payneville, it is not known who burned it; that has only the roof burned. Those are the only neighborhoods in which there are now no schools, and the people near Payneville, I am confident, soon will have.

By the CHAIRMAN:

Question. How many colored schools are there in the county?

Answer. If you will give me time I can tell you. We can't have the schools the whole of the year; but we have them as long as the money lasts in all the townships. I know the number of children that have gone to school in the county. I have been in the office only six months. It was something over twelve hundred children and thirty-one colored schools; there may be a thirty-second one; I know there are thirty-one.

Question. Do you mean there is an average attendance of twelve hundred, or that number have entered and attended from day to day?

Answer. There is that number that entered—a little over twelve hundred entered, and about one thousand or eleven hundred is the average attendance. I just made my annual report last week.

By Mr. RICE:

Question. How many white children are attending schools?

Answer. About six hundred; there are about twice as many colored children in the county as white.

By the CHAIRMAN:

Question. What number of months were the schools taught last year?

Answer. It was different in different townships. In this township there is about six months; in some townships three, and in some four, and in some five.

Question. They vary according to the apportionment of money to the different districts?

Answer. Yes, sir.

Question. The apportionment is made on the basis of the number of pupils in the district?

Answer. That is one; that is what they attempt to do; but there are townships that had their sixteenth section, and the sixteenth section in some of them were rated and sold well, and the money was loaned to the State, which pays the interest. This town has the interest of $1,400; some townships didn't get that much; but, fortunately, in townships where there are the most negroes there is the most money—this township and the one at Gainesville.

Question. The income upon the proceeds of the sixteenth section is expended among the children of that sectional township?

Answer. Yes, sir; the money is divided by the State superintendent—going equally to the colored and whites, and I pay out.

Question. The people of this county are generally well disposed toward the maintenance of schools for the education of colored children, are they?

Answer. Yes, sir.

Question. Was there at first opposition?

Answer. Well, sir, I think there was at first, but I have only been in office since last March, and the opposition is giving way very fast; there was some opposition under the old dispensation.

Question. Was there, or is there now, any odium attached to teachers of colored schools?

Answer. Very little; I think in some neighborhoods there may be a little: but I have some of the best and most moral men, and refined gentlemen and refined ladies, who are now teaching colored schools in this county.

Question. Are the colored schools, generally, taught by white men and ladies, or colored?

Answer. Both. Some are taught by white and some by colored.

Question. What progress do the colored children seem to make in their studies?

Answer. They learn to spell and read very readily.

Question. They are also taught to write, where they are of sufficient age?

Answer. Yes, sir. The colored schools in this town and at Gainesville are further advanced than any in the county. There are colored teachers in this town, and they are advanced pretty well, and are teaching arithmetic and geography.

Question. Did you know this Robert Fullerlove you examined?

Answer. I never saw him before.

Question. How do you know him to be the same person that was examined by the committee as a witness?

Answer. He gave that name; that is all I know about it.

Question. What sized person was he?

Answer. He stood something over six feet, I think.

Question. You speak of seeing some marks or bruises upon his hand or hands. What was the character of those bruises?

Answer. I think it was on the little finger of one or the other hand.

Question. An abrasion of the skin?

Answer. Yes, sir.

Question. Was that recent?

Answer. No, sir; it was just like the other—like it was two or three days old. It had scabbed over.

Question. When did you examine him?

Answer. Yesterday, after dinner—before this time, I think.

Question. What account did he give you of the attack made upon him?

Answer. He said he was attacked by two men. He gave their names, but I didn't pay any attention to that. I never heard them before. He said one presented his gun right at him, and struck at him over his head; and he says they took him down in the road and stripped him and whipped him.

Question. Did he say they stripped him of anything but his pants?

Answer. Yes, sir; he said they raised up his shirt and took his pants down right in the road.

Question. If he had been whipped with a stirrup-leather, would it leave the marks, necessarily, upon his skin?

Answer. Yes, sir.

Question. It would depend, of course, entirely upon the force with which the blows were administered, whether the marks would be visible, would it not?

Answer. Well, sir, with a stirrup-leather, a lick makes a very distinct mark. It don't take much of a lick to make a mark. I have seen persons whipped with a stirrup-leather, and with a leather strap.

By Mr. RICE:

Question. Did you tell him you saw no signs of his being whipped?

Answer. No; I don't know that I did. We asked him a few questions; but I didn't tell him that, that I know of. He seemed to be very sore, and pretended he couldn't get his coat off, and we helped him pull it off; but I saw no evidences. He was bright enough on his shoulders for the least mark to have made a show of itself. On the white person it is red, on the negro it is not so red, and it makes a difference in the color of the skin.

By the CHAIRMAN:

Question. How or by what instrument did these bruises or marks or abrasures of the skin, that you saw upon his person, seem to have been made?

Answer. I don't know; I can't say how they had been made. There was a difference, though, in the size of the mark on the head and that on the finger. That on the finger was something like a pin-scratch. It was just a little mark, not much larger than a pin-scratch.

By Mr. BLAIR:

Question. You say he pretended to be very sore when he took his coat off. How did he put it on?

Answer. He put it on with a good deal of ease.

Question. He didn't seem sore then?

Answer. No, sir; he was then talking; he put it on easily. We were then talking. There were two young men in there asking questions, who wanted to know the names, but I paid but little attention to the names. They were in Choctaw County, and I didn't know much about them.

Question. Did he say Charley Brown was one of them?

Answer. I can't say, sir, what names he gave.

By the CHAIRMAN:

Question. Did he show any unwillingness to submit his person to examination?

Answer. None at all.

Question. Did he tell you where the licks had been inflicted—upon what part of his body?

Answer. He said he had been whipped very badly on his shoulders and on his buttocks.

By Mr. RICE:

Question. What aged man was he?

Answer. Well, sir, he was forty-five or fifty.

Question. Bald-headed?

Answer. Yes, sir, a little bald-headed up there, [illustrating;] probably a little above fifty.

By Mr. BUCKLEY:

Question. Doctor, is it not possible that he might have been whipped severely with a strap as wide as a stirrup-strap, and yet not break the skin?

Answer. Yes, sir, that could be done; but the appearance of the skin would show without the breaking of the skin. The appearance of the skin would show about his being whipped.

Question. Might he not have been whipped quite severely and the marks not be perceptible?

Answer. No, sir; I have seen negroes whipped in slavery days; I have whipped them myself, and have seen them, and know the appearance, and they will show for a number of days afterwards—the thickness of the skin. I have passed my fingers carefully over to see if there was any thickness, if the skin was rendered thick, being gorged with blood. They used to whip with a strap, and it is a very painful way of whipping.

Question. You used to whip with a strap because it would not break the skin?

Answer. Yes, sir, that is the way they whipped; they didn't wish to break the skin.

By Mr. BLAIR:

Question. What is your opinion, Doctor—that he had been whipped?

Answer. No, sir.

By the CHAIRMAN:

Question. At whose request did you make this examination?

Answer. Dr. Webb's.

Question. You knew the purpose of this examination?

Answer. I did not, until I was called.

Question. You knew it at the time?

Answer. Yes, sir.

Question. That it was to discredit his evidence?

Answer. I didn't know about that. I wished to ascertain. I thought it was to know whether he had been whipped or not.

By Mr. RICE:

Question. Do you know what has become of him?

Answer. No, sir; I have not seen him since.

By the CHAIRMAN:

Question. Did he tell you where he was going?

Answer. No, sir; he said he was from Choctaw County.

LIVINGSTON, ALABAMA, *November* 1, 1871.

JANE KILLENS (colored) sworn and examined.

By the CHAIRMAN:

Question. Do you know John Childers?

Answer. Yes, sir.

Question. Do you know of a little daughter of his that was whipped by Mr. Jones?

Answer. Yes, sir.

Question. Did you see her whipped?

Answer. Yes, sir.

Question. Tell the committee all the particulars of it.

Answer. She came out there a-crying to me for me to take the baby, so she could go home. I asked her, "What for?" She said Mrs. Jones slapped her down in the house

and stamped her. I didn't see that. I told her I was washing and couldn't take the baby. When I got through washing I went up to Shelby Ford's house, and she came up there and set the baby down, and went off and told her mother; and I told Mrs. Fowler, (Mr. Fowler's wife,) and she come out and called her, and Shelby Ford's wife said she had gone; and Mr. Jones got on his mare and run and overtook her and told her to stop, and she run back, and she said she hadn't run away to go home; she was scared, and told him she hadn't run away. She told Mrs. Fowler if Mrs. Jones come out to call her, to tell her she was gone after peaches; but she was gone home to her mother. He run and overtook her, and took her in the peach orchard and whipped her under a peach-tree and stamped her, and took her to the fence by the coat-tail and throwed her over and struck her on the fence twice, and he knocked the blood out of her, and then turned her loose and told her to go. He knocked the blood out of her. He told to go, and he told her he would "take her from under her mammy's coat-tail and kill her, God damn her."

Question. What did the girl do then?

Answer. She staid there that night, and next morning she got up and went home.

Question. What was her name?

Answer. Amanda Childers.

Question. How old a girl was she?

Answer. She was about ten years old.

Question. Is she dead?

Answer. Yes, sir.

Question. How long did she live after she was whipped and beaten?

Answer. She lived from—— She was whipped on Wednesday and lived until the next Wednesday.

Question. Did you ever see her after she was whipped?

Answer. She staid there all night and went away next morning, and I never saw her no more.

Question. Were you at her funeral?

Answer. No, sir; I wasn't there.

Question. What is Mr. Jones's name?

Answer. I don't know anything of his name but Mr. Jones.

Question. Do you work there now?

Answer. No, sir; I stay at Mr. Stone's.

Question. How long ago was this?

Answer. About three months, I reckon.

Question. Do you know of any other colored people having been whipped at any time?

Answer. No, sir.

Question. Ever hear of any other colored people being whipped?

Answer. No, sir.

Question. What had Amanda done that she was whipped for?

Answer. I don't know what she had done exactly, but she said she couldn't find Dick's hat was the reason Mrs. Jones slapped her.

Question. Dick was the child she was attending?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Were you ever before the grand jury in reference to this matter?

Answer. No, sir.

Question. Did you ever give your testimony in regard to it to any one?

Answer. None but Mr. Smith. I told him that they were going to have me in the court, but he said they had squashed it and wasn't going to have it.

By the CHAIRMAN:

Question. Lawyer Smith?

Answer. Yes, sir.

LIVINGSTON, ALABAMA, *November* 1, 1871.

GRANVILLE BENNETT (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Sumter County, about three miles from here, sir.

Question. How long have you lived in Sumter County?

Answer. Ever since 1835, sir. It has been about thirty-six years, I reckon, sir, this fall. I was raised here principally, sir; I came here when I was about ten years old.

Question. On what place do you live now?

Answer. I live on what we call now Robert Mason's place. It was the Maconico place when I moved to it, but she has married lately.
Question. Are you married?
Answer. Yes, sir.
Question. Have a family, have you?
Answer. Yes, sir.
Question. Has any violence ever been offered to your person by two or more white persons at night-time?
Answer. No, sir.
Question. Has your house ever been visited by persons after night?
Answer. No, sir.
Question. Do you know of any violence inflicted upon any colored people?
Answer. No, sir, not to my knowing; no more than I have heard.
Question. What information have you as to any acts of violence?
Answer. Well, there are some in our neighborhood, sir; their lives have been taken.
Question. Lives of colored people?
Answer. Yes, sir.
Question. You may mention any cases of that kind.
Answer. There was a fellow—his name I can't give you, but his father's name I can; that is Anderson Young. He had a son killed out here at Mr. Lemon's place, I think last fall; I heard of that.
Question. Give the particulars of that.
Answer. I do not know any particulars more than he told me himself, that the boy was taken out of his arms—pulled out of his arms and killed.
Question. How old was the boy?
Answer. I could not tell you, sir.
Question. The father told you this?
Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Was he a grown boy?
Answer. I think so; near about grown.

By the CHAIRMAN:

Question. Who took him out of his arms?
Answer. He said a couple of white men did it. He undertook to keep them from doing it, and they took him out of his arms, and they told him at the time that they didn't want to hurt him at all—didn't want to hurt the father; but the boy they intended to have, and did get.
Question. What complaint had they against the boy?
Answer. I don't know; that I can't tell.
Question. What did they do with the boy?
Answer. They just shot him down, right there at the gate.
Question. You don't know what offense the boy had given?
Answer. No, sir; I can't tell you anything about that at all.
Question. This occurred last fall?
Answer. Yes, sir.
Question. Did you ever hear the circumstance from anybody else than the boy's father?
Answer. No, sir; not particularly.
Question. Did you ever hear any of the other colored people speak of it?
Answer. There was another man present at the time the act happened; his name was Addison Chapman.
Question. Is he a colored man?
Answer. Yes, sir.
Question. Did you ever hear him speak of it?
Answer. Yes, sir; he spoke of it to me the same time his father did.
Question. Did he give the same account Anderson Young gave you?
Answer. Yes, sir.
Question. Did he know what the boy was killed for?
Answer. I don't know whether he did or not; he didn't state it to me if he did.
Question. How far was this from where you live?
Answer. About two or three miles.
Question. Was this done in the day-time, or night?
Answer. In the night—Saturday night.
Question. Were the men known who did it?
Answer. I don't know; that is what I don't know.
Question. Did they have any disguises on?
Answer. I couldn't tell you that; they didn't tell me. I don't think that they had, from what little I learned.
Question. You do not know the age of the boy?

Answer. No, sir.

Question. What is the next case?

Answer. O, Lord! mercy alive! if I am to tell what I have heard of, I have heard of a heap.

Question. Tell us what you have heard of.

Answer. Here is the case of Enoch Sledge out here—I don't know whether he writes his name Enoch Sledge or Enoch Horn—he used to belong to Jonah Horn in days of old.

Question. What was done to him?

Answer. He was shot.

Question. When?

Answer. It has been two years ago, I think, sir, or a year or two ago; it was year before last.

Question. At his house?

Answer. It was down on the road between here and his house—between here and Horn's bridge.

Question. By whom was he shot?

Answer. I can't tell you that.

Question. How many persons were concerned in shooting him?

Answer. I think, if I make no mistake, he said there were three—two or three.

Question. Was that done in the day-time, or night?

Answer. In the day-time.

Question. What was he shot for?

Answer. Now, I cannot tell that, either.

Question. Give me another case.

Answer. Well, sir, I don't remember that I remember anything more that was done in my neighborhood, nigh enough for me to give you any statement with any sense. I have heard the news, of course, all over the county; to give sense to it I could not.

Question. If you know or have heard of any case, not in your own neighborhood, and remember the particulars, you may give them.

Answer. There was a boy at Sumterville this year, I think, that had his ears cut off I heard some talk of him.

Question. Were the persons who killed Sledge white men?

Answer. Yes, sir; that is what he told me—they were white.

Question. Sledge himself?

Answer. No, sir; the colored man that was shot. He had a brother killed instantly dead right where he was; the man aimed to kill him, but he escaped. Enoch Sledge and his brother was killed dead by him, and was attempted to be killed, and was shot, but was not killed, but escaped.

Question. What was the name of the one killed?

Answer. Dennis was the one that was killed.

Question. Dennis was killed, and Enoch was with him, and got wounded?

Answer. Yes, sir; he was wounded and staid here with the doctor until he got well.

Question. Were these boys together?

Answer. Yes, sir.

Question. Traveling toward Horn's Bridge?

Answer. Yes, sir; three of them were together.

Question. Who was the other?

Answer. I don't remember.

Question. Was he shot also?

Answer. I think he was. I think two were killed dead, and two of them were brothers.

Question. Two were killed dead?

Answer. Yes, sir, if I am not mistaken, and I don't think I am.

Question. And Enoch was wounded and recovered?

Answer. Yes, sir. I saw his wound and talked to him.

Question. Where was he wounded?

Answer. In the arm, and I think he got a slight glance on the side of the head.

Question. Was this all done by two white men?

Answer. I can't tell you how many. I have understood that there was two or three of them.

By Mr. BUCKLEY:

Question. Where is Enoch now?

Answer. He is up here at the Horn's Bridge, about five or six miles from here. I saw him here Saturday.

By the CHAIRMAN:

Question. Who cut off the ears of this boy at Sumterville?

Answer. I can't tell you. You will have to inquire further than me to find that out. I can tell you the boy's name.

Question. What was it?
Answer. Danger Godfrey.
Question. Mention any other cases you remember of hearing.
Answer. I don't know, sir, as I remember anything more. Here was Choutteau and Mr. Coblentz was right here in Livingston. These are the only men I ever saw the life taken or molested at all. Coblentz was killed when they visited Choutteau.
Question. You need not mention those. We have had that testimony, I think. Do you recollect any other cases?
Answer. No, sir.

By Mr. BUCKLEY:

Question. Do you recollect two men being killed about the time George Houston was driven away?
Answer. One of them was the man I have spoken of—Coblentz; him and another was killed the same night.
Question. Did you hear of George Houston being shot?
Answer. I was here when he was shot. I was well acquainted with him.
Question. Was he shot?
Answer. Yes, sir; he was shot in the thigh.

By the CHAIRMAN:

Question. Do you recollect any other colored representative in the legislature from this county who was shot?
Answer. Yes; Burk.

By Mr. BUCKLEY:

Question. Richard Burk?
Answer. Yes, sir; Richard Burk.

By the CHAIRMAN:

Question. Was he simply shot, or killed?
Answer. I understood, sir, he was shot so bad he died immediately. That was done some distance from me, sir, and I couldn't tell; but I understood he was shot, and died immediately.
Question. Houston got well?
Answer. Yes, sir.
Question. Think a while and see if you can remember any other cases.
Answer. [After a pause.] There was Isaiah Hunter.
Question. What was his case?
Answer. He was shot dead at his house by night.
Question. When did that happen?
Answer. Fall before last.
Question. One, or two years ago?
Answer. Year before last.
Question. This year—1871?
Answer. It was done in 1869.
Question. What was he shot for?
Answer. I can't tell you that. He was killed in his house, about eight miles from here, and his house was burned down on him.

By Mr. BUCKLEY:

Question. Was he burned up in his house?
Answer. Yes, sir.
Question. Do you know where his widow is living now?
Answer. In Meridian, Mississippi; there are some relatives of hers, though, near this place, living here now.

By the CHAIRMAN:

Question. Did you learn how many men were concerned in killing him, and burning the house?
Answer. No, sir; I never could learn that.
Question. See if you can remember any more cases.
Answer. You catch me unprepared to give them. It has been so long I can't remember them.
Question. Do you think you have heard of more cases than you have mentioned?
Answer. O, yes, sir. I have heard of more, but I can't remember them all. It would take me some time to study over them.
Question. How many cases in all do you think you have heard, of colored men being killed?
Answer. Well, sir, to give you for a certainty or satisfaction, I can't tell you more than there have been a great many.

Question. You have heard of two being taken out of jail here, and killed, have you?
Answer. Yes, sir. There is something I didn't think of. And another one away out here—Jerry Clark—away over the other side of the creek—Sucarnochee.
Question. When was he killed?
Answer. The second or third year after the surrender.
Question. Was he killed in his own house?
Answer. No, sir; in the road going from the tan-yard over to Mr. Kirkland's house, to carry a mule home.
Question. How many were concerned in killing him?
Answer. Only one, as far as I heard.
Question. Did you hear of any one being killed at Billy McCree's place?
Answer. No, sir.

By Mr. BUCKLEY:

Question. Down about Belmont?
Answer. No, sir; I don't think I remember that.
Question. Did you ever hear a man was killed by the name of Ben., up on Dr. Chouteau's place, or near there?
Answer. Yes, sir; a man they called Yankee Ben.
Question. Did you ever hear that another was killed up there, and thrown into the creek?
Answer. No, sir. Now, gentlemen, that is a right smart piece from where I live, and a heap has happened there that I never would hear of; but Yankee Ben. I did hear of. I knew him.

By the CHAIRMAN:

Question. You think you have not mentioned all the cases you have heard of from time to time?
Answer. No, sir; I don't think I have; I know I haven't.
Question. Have you heard of colored people being whipped?
Answer. Yes, sir; I have heard of a heap of them being whipped.
Question. How many, do you think?
Answer. O, la! I couldn't remember them.

By Mr. RICE:

Question. They don't mind that much?
Answer. O, no, sir; if they can get off with that they can get along.

By the CHAIRMAN:

Question. What were they generally whipped for?
Answer. I don't know; not doing like they told them, I reckon.

By Mr. BUCKLEY:

Question. Do you not take notice of anything short of killing here?
Answer. Well, sir, it is always done outside of me—while I am outside. I stay outside.

By the CHAIRMAN:

Question. Did you vote at the election for governor last fall?
Answer. Yes, sir.
Question. Where did you vote?
Answer. I voted right in this court-house, sir.
Question. What ticket did you vote—the radical or democratic?
Answer. I voted the radical ticket all the time. I have always been so lucky. I voted that ticket; only one time; that was for a school-superintendent this last time.
Question. Do you know of any threats having been made to colored people to make them vote the democratic ticket?
Answer. Well, sir, I suppose, sir, they have.
Question. Have you heard of a great many such cases as that?
Answer. Yes, sir; I have heard of a great many such cases. No person threatened me, but I have heard a great many colored people say they were threatened; of course I have.
Question. A great many of your people voted the democratic ticket last fall?
Answer. Yes, sir.
Question. Have you heard a great many of them say they voted it because they were afraid to vote otherwise?
Answer. Yes, sir, I have; that was the main cause, they say, of their voting that way. I have a right to believe it was so. Gentlemen, we have to live until we die, and we all want to live as long as we can live; and if voting a ticket will save our lives, of course we would do it. What use would it be for a man to vote a ticket, and then die right immediately, if he knew he was going to die?

Question. What did these people say was said to them to induce them to vote the democratic ticket?

Answer. They said if we voted the radical ticket—we had seen troubles with Ku-Klux, but had never seen no troubles with Ku-Klux to what it would be if we voted against their governor. I knew of once instance of that—that the Ku-Klux would be four times worse; but if we should vote the democratic ticket, they would insure us Ku-Kluxism would be done with, and there would be no more of it.

Question. And a great many persons of your race finally consented to vote the democratic ticket, just to live in peace?

Answer. Yes, sir; just to live in peace. I reckon, by the next election, if they don't do better, I will have it to do, as well as the rest, because I want to live as long as I can.

Question. If your colored people were let alone, and not influenced by fear, how would they vote?

Answer. They would all go to their own party (radical) I can tell you. Why shouldn't we? Come to the sense of the matter, what is the reason we wouldn't? Only look, will you, when we all voted right here at this place—I don't remember the year—I will say when we voted for the convention first; see how the State and county went then. And it would be just the same thing in case the thing had not been as it was.

Question. Did you ever see any Ku-Klux in disguise yourself?

Answer. I never did in my life.

Question. Have you ever talked with any colored people that had seen them?

Answer. No, sir; I don't remember that I ever have. I don't think, sir, I ever have. I don't think I remember of talking with colored persons that have, that I remember. Now, Jim Garber told me, not long since, that a parcel came in to where he was, over here at Pick Place, not long ago; I don't remember whether it was this year or last year. Whether they were disguised or not, I can't tell; but they came in after a woman—something concerning her silver spoons, or something. I don't know whether they were disguised or not. If they were not disguised, I don't remember of anybody saying they saw any disguises. For myself, I have never been abused by none of them.

Question. You stay at home and mind your own business, and try to do right by all men?

Answer. Yes, sir; that is my desire.

Question. You do not go abroad much?

Answer. No, sir.

Question. You have heard a great deal of Ku-Klux?

Answer. Yes, sir; I have heard a good deal of them.

Question. Your people believe they are in this country?

Answer. Yes, sir; I think they do believe they are here. There was a gentleman told me right face foremost; he asked me did I know anything about Free Masonry. I told him I knew there was such persons, such a society. He asked me did I ever hear that any person could tell anything about the Mason's secrets. I told him I didn't. He told me it was as impossible for us to find anything out about the Ku-Klux as it was about Free Masonry, and I knew if that was so it must be a dead thing, sure.

Question. Do you send your children to colored school?

Answer. I have, what time I have sent them; that is, I have been permitted the privilege of sending my children to a white teacher; he taught a colored school.

Question. Have you heard of any colored school-houses being burned in this county?

Answer. Yes, sir; in the course of a short while there has been one burned at a place called Pippin Hill—that I have been by, in times past, but not lately—up at Paynesville; and I have heard of one burned up in Choctaw. The man that used to own me told me of that.

Question. Are the white people here generally in favor of colored schools?

Answer. Some says so, and some says not; but, according to that, from the way that work works, it looks like if they were they wouldn't burn up school-houses. But, gentlemen, you can take it for your own sense, and decide.

Question. Are your people getting discouraged with the condition of things here, and talking about going to some other country where they can live in peace?

Answer. Yes, sir; yes, sir.

Question. Is that pretty generally talked of?

Answer. Yes, sir; it is getting pretty free.

Question. Where are they talking of going to?

Answer. A place called Kansas, way up here somewhere. I've got it mighty strong in my head. I don't know how it will end and come out, but that is my opinion now. I have only got so long to live, and I want to live in the comfort of my life while I do live, and it is no comfort now. I am afraid to lie down, and if there is any other place to go to and inherit the happiness of my life, I want to go, if it is only for ten days.

Question. Is that the general feeling of the colored people?

Answer. Yes, sir; that is the general feeling of the colored people of Sumter County, so far as I can say about it.

Question. Do they have this feeling because of these murders and whippings that have been so common here?

Answer. Yes, sir; and we are looking for worse to come.

Question. Where colored people vote the democratic ticket, and pull with the democrats, do they have peace after that?

Answer. No more than we do that vote with the radicals; if they have, I don't see it.

Question. You think it does not make any difference which way they vote?

Answer. No, sir; I don't see any difference. They have to pay just as I do.

By Mr. RICE:

Question. Are they safer in person than those who vote the radical ticket?

Answer. I don't know that they are; I never could see it; they may be.

By the CHAIRMAN:

Question. How much better off are your people than they were in slavery?

Answer. They are not as good off.

Question. Why not?

Answer. I haven't got anybody to protect me. When I was in slavery I had somebody to protect me.

Question. Your master would look after you, and see that you were not whipped?

Answer. Yes, sir.

Question. You never heard of this Ku-Kluxing while you were slaves?

Answer. No, sir.

Question. Would your people rather be slaves again than to live in this insecure condition they are in now?

Answer. I don't know, sir; that is a pretty tight question; that is a pretty tight one. We don't care about going back, but then we would like to have peace. I couldn't tell whether they would rather go back or not.

Question. They would like to vote freely, but they think it rather too dangerous business to vote the radical ticket?

Answer. Yes, sir; it is dangerous in Sumter County; there is no use in talking about that.

By Mr. BUCKLEY:

Question. Don't the laws protect you here?

Answer. I couldn't say, sir, that they did; it looks to me like a one-sided thing. Now, gentlemen, there is two sides to everything, and if both sides is held up it will offend no man, but when it is not, one side always goes down.

Question. Do your people feel that they do not get justice, and that their rights are not as well protected as other people?

Answer. Of course they do. I lay that a good deal to the ignorance of my race, not knowing how to execute law in a heap of places. There is only a very few of our race that knows how to execute the law to his own advantage, even if he had a case to put in that looked fair and all chances in the world that he would gain the case, but if he don't put it in right it will not go right. That is the cause of a heap of it.

Question. They don't feel like going to law?

Answer. No; and they don't know how to go into it; our ignorance is the cause of a great deal of it. Again, you know yourself, if you go to do anything for your own advantage you work for your own advantage. If I go to law against you, you would work for your own advantage and not for mine. So it is a one-sided thing. A darkey don't know how to execute the law to his own advantage. He has never been educated or elevated; he don't know the law. Again, we have no men here but the opposite party to execute the law. How would we expect to get justice, or how would you expect for us to get justice?

By the CHAIRMAN:

Question. You used to have some friends who instructed you in your rights; what has become of them?

Answer. They are all gone South, or North, or somewhere. There is nobody to instruct us now.

Question. What made them leave?

Answer. They were compelled to leave, like a heap of the rest of us.

Question. Now, you have told the committee of a good many cases where colored people have been killed; and you have said that a great many have been whipped from time to time; have you ever known or heard of any white people being punished for these offenses committed upon your race?

Answer. Well, I heard of one this year. There was a neighbor of mine—at least, he used to be an acquaintance of mine—got whipped, and I heard that the man they said did it was whipped by whites back again shortly. A man named Leverett got whipped mighty bad, they say.

By Mr. RICE:

Question. Was that over in Mississippi?

Answer. No, sir; in Sumter County.

By the CHAIRMAN:

Question. Have you ever known any one punished by the courts for killing or whipping colored people?

Answer. No, sir.

Question. Do the colored people feel as if their rights were not looked after?

Answer. That is the general opinion, I think, according to everything.

Question. Do they feel as if they were not sufficiently protected by the law here?

Answer. Yes, sir; of course they do.

By Mr. BUCKLEY:

Question. It has been reported that the colored people have behaved badly here; that at one time they threatened they would come and burn this town, or sack this town, last August, a year ago, when they came in here at the time of the convention; did you ever hear of any intention of that kind among the colored people?

Answer. No, sir; there was a little flurry got up here, not as late as that.

Question. Before the election last year?

Answer. Some democratic darkies got up here and cut off from the other party, and they were about to get together, and that brought the white party in to their assistance, and that liked to have caused a disturbance; but for them to ever come here to burn up or attempt to burn up the town, I know nothing about it.

Question. There was a little difficulty gotten up here about a year ago, at the time the republicans or radicals were going to have a county convention here to nominate candidates for the State convention?

Answer. Yes, sir.

Question. What was that?

Answer. They had speaking here, and many men came over, as men will go to hear for themselves, and many came. I myself did not get here, though I started; but the difficulty arose before I got here, and many men were run and shot and beat and cuffed, but I never saw none of it. That all happened; but as the wind comes always before the rain, the wind of it come to me, and I turned back, and I was not in the storm; but that difficulty did happen at that time.

Question. Do you think the colored people intended any harm to this town or its people?

Answer. No, sir; the colored people came here to hear the speeches.

Question. Were they going to have speaking that day?

Answer. Yes, sir; they came to hear that; but frequently, when such a thing is to occur, difficulty arises; they do not go prepared. A great many of them felt that, but not intentionally to start anything; the intention is to defend themselves against anything that did come; but they didn't fetch arms in town like a parcel of soldiers would in the battle. They left them out if anything would occur, which they expected it would occur just like it did.

Question. They expected that?

Answer. Yes, sir; of course. Hadn't we frequently heard that there should never another radical speak here?

Question. Have you heard that said through the county here.

Answer. Yes, sir. Under such circumstances, of course, we would expect nothing else but a difficulty should arise.

Question. But you came here to the speaking, and were not going to make any fuss unless you were attacked?

Answer. None at all.

Question. Were you here at the speaking last fall, when Governor Smith was here?

Answer. Yes, sir.

Question. Did you hear any insulting language that day to the speakers?

Answer. I don't know whether it was insulting to the speakers. I heard the damned lie given to the governor, right there by that door.

Question. Did you hear that yourself?

Answer. Yes, sir; I did hear it.

Question. Did you hear similar remarks when others were speaking?

Answer. When Governor Parsons was speaking I heard murmered remarks made, disputing him and cutting him off and stopping him from his course. A great deal of difficulty. Gentlemen, I would call it not proper; I don't call it proper.

Question. Were there a good may colored people here?

Answer. Yes, sir; there were a good many here that day.

Question. How was it when election came? Were they still afraid and intimidated?

Answer. Yes, sir

Question. Suppose it had all been peaceable and quiet here last year at election day

days before; do you think you would have had as good a republican vote that day as you did in 1868, when the presidental election occurred?

Answer. If we hadn't had as good a one, we would have had mighty near as good a one; we would have had the majority by a long shot.

Question. But you lost it?

Answer. Yes, sir; that is my candid opinion of it.

Question. You feel that your own people were afraid to vote as they wanted to?

Answer. Yes sir; of course we did; there is no doubt about that fact.

Question. Last year did you have any other republican speakers here except on that one occasion? Were there other meetings through the county?

Answer. No, sir; not another one.

Question. Were the speakers afraid to speak here?

Answer. They didn't come. I don't know whether they were afraid or not; but they didn't come, and none has come since.

Question. Do you think they would be safe in holding meetings through the county?

Answer. No, sir, I don't. If I must answer you honestly, I don't. The truth is what you ask me for, and that is what I come to tell. I don't.

Question. You think they would be injured?

Answer. Yes, sir, I do.

By Mr. RICE:

Question. Are there any colored men in the county that are speakers?

Answer. If there is, I can't tell you. There are plenty of colored men in the county who could speak and would speak a heap, but they are afraid.

By the CHAIRMAN:

Question. Syd. Porter is not afraid to speak.

Answer. Syd. will get up here and blow and gas most any way. I don't know hardly what to think of him.

Question. Is he pretty well thought of by the colored people?

Answer. Yes, sir; Syd. stands very well among the colored people, so far as I know. He married a relative of mine. We are a little connected outside.

Question. What makes him vote the democratic ticket and speak at the democratic meetings?

Answer. I don't know sir; Syd. is every sort of fashion.

By Mr. BUCKLEY:

Question. Do you think he is much of a democrat?

Answer. Well, gentlemen, I can't tell you. My notion about it is, that whatever a man's politics is, let him be that and stay to that, unless he can't be; and if he can't be, let him be nothing. That is my notion. But some of them takes a different course to that, and goes contrary.

Question. You said you could not have peace, and wanted to go where you could have peace?

Answer. Yes, sir.

Question. Do you think other people think so?

Answer. A great many talk so; I don't know how they feel. I know my own feelings. They talk so.

Question. You feel that you are insecure with your family?

Answer. Yes, sir; this demoralization and dissatisfaction. What comfort is it to a man to be free, to have a whole heap, unless he can have his happiness, as a man could and should and wants to. I would rather be somewhere or another on half rations, and be in peace, than to have a whole heap and can't enjoy it.

By Mr. RICE:

Question. Do you feel like speaking your sentiments as freely to a white man as he does to speak his to you, where he differs from you?

Answer. No, sir; I can't, nor wouldn't.

Question. You agree, then, pretty well to what they say when they talk?

Answer. Yes, sir; that is the best way for a fellow, if he wants his life long.

Question. How do the colored people like Syd. Porter's politics?

Answer. Gentlemen, I can't give you reliable information about Syd. Porter's politics, because it's one day one way, and another day another way. I can't keep up with him myself.

By the CHAIRMAN:

Question. He used to be a great man in the Loyal League?

Answer. Yes, sir; a great man—bully. Now you hear him privately argue the question yet, but he will not come up with it publicly.

Question. Do the democrats pet him and favor him a good deal, since he has come over to their side, and spoken for them?

Answer. Syd. gets along with them. I never heard of no difficulty. He gets work from them, and gets along well; but if I understand him now, I think he aims to go away, himself.

Question. Suppose he went with the colored people to Kansas; do you think he would be a democrat there, or a radical?

Answer. That is mixed; I couldn't tell that; that would depend on how many democrats there would be there. I couldn't say, gentlemen, what it would be; but I can think.

By Mr. BUCKLEY:

Question. Did your people go from here over to the Mississippi Bottoms much?

Answer. A great many went last fall and last winter.

Question. Have you ever heard of any effort made to prevent them from going?

Answer. Not, particularly, sir, to say about. I did hear, too, that—I can't tell now. I heard the news rumored that the railroad men on the cars were spoken to to prevent them from taking the cars to go. What made me notice that particularly was, the conductor said that the cars were to make money, were for the public, and any person that paid their money he be damned if he wasn't going to carry them; and they tried; who it was I don't know; but I heard of the effort being made that they didn't wan't them to take them away. Here is Robert Howes, that owns that stable over there, came from the Mississippi, and had recourse to my influence to help him to get some hands to go there, but didn't want me to divulge his name or anything about it, because, he said, if it was told that he was taking away negroes from here they would take his life.

By Mr. RICE:

Question. Is he a colored man?

Answer. No, sir, a white man. He owns a livery-stable there. He is as big a democrat as anybody. He came here to get a hundred hands to run on a plantation out there. He told me they objected to him here, and he couldn't do a thing, and he was referred to me from Mississippi to come here; that I would aid him to get some hands. He told me that. But I couldn't do anything for him. If we said anything about it he said what the consequences would be—that they threatened him. He told me that. If it is not so, I only had his word for it. I never heard no person threaten him.

By Mr. BLAIR:

Question. Where does this Anderson Young live?

Answer. On Dr. Brownrig's place.

Question. Is that the place where his son was killed?

Answer. He was killed at Mr. Lemon's.

Question. How far is that from here?

Answer. Six miles, sir. I know where that is. I cut the first stick of timber that was ever cut on that.

Question. North.

Answer. Yes, sir, north.

Question. You say his father gave you no reason for his being killed?

Answer. No, sir, he did not. In fact, I didn't ascertain of him for anything, because I first knew he was killed. The reason I didn't ask him was, I understood some individual told him if he knew, not to say, and if he did, what would be the consequence; and so I never would ask him.

Question. Did he say that the men that killed him were disguised?

Answer. I don't remember whether he did. If he did I don't remember it.

Question. There were two men?

Answer. Yes, sir, only two came in. Two pulled the boy out of the bed, and he caught hold of the boy and tried to hold him, and they told him if he didn't turn him loose what they would do with him; and one made the father turn the boy loose by threatening him. They could not pull the boy away. The boy hung to the gate-posts, and they shot him right there. That is what he told me.

Question. You said there was some other man there?

Answer. Yes, sir. Addison Chapman was in the house keeping him company.

Question. Addison Chapman was in the house with Anderson Young?

Answer. Yes, sir, those two were together when these men came in, and the boy was lying on the bed asleep.

Question. Did you ever talk with Addison Chapman about it?

Answer. No, sir; not anything more than I understood he was present. I very lately asked him the particulars of that—not long since.

Question. He did not tell you whether he knew the men or not?

Answer. No, sir, that is what he did not tell me. Well, he was about that like we are about a heap of other things; he was afraid to say.

Question. You say Dennis, the brother of Enoch Sledge, and another man, were killed between here and Horn's Bridge?

Answer. Yes, sir.

Question. Do you not know some colored men were arrested for that case?

Answer. If they were, that is something I don't know anything about.

Question. You never heard of that?

Answer. No, sir; no colored men was arrested for it about where I live.

Question. By whom was Isaiah Hunter killed?

Answer. I don't know that; I can't tell that. From what I can learn of the gentleman that used to own him—I heard him state to other parties that he had just done supper, and was sitting in his house taking a rest after his day's work, and some one came up to the door. The little dog barked, and the daughter went to the door, and saw some persons, and the door was shut, and he got up and went to the door, and he found there a parcel of men that were not for the right thing, and he stood against the door, and they stood against it, and they out-pushed him, and he looked over the door through a hole, and they shot him over the door. I heard Dr. Hunter tell that. I never heard any colored person tell it. Dr. Hunter he used to belong to, and he was very much interested about it.

Question. Was any one arrested for that?

Answer. Yes, sir; Joe Sibley was arrested, for one. Some two or three fellows were arrested about that. I don't remember them all. I know Joe Sibley well, for I went up to the jail when he was up there.

Question. Was he the man that it was said had shot at him a few days before?

Answer. No, sir; That was Arnold Lee; I forgot him; I forget a heap.

Question. Was he arrested?

Answer. Yes, sir.

Question. Were they colored?

Answer. Yes, sir; Isaiah had stated two days before he was killed that Lee had shot at him along the ———

Question. That Lee had shot at him along the road?

Answer. Yes, sir; Lee never denied that here at court.

Question. That was the reason he was suspected?

Answer. Yes, sir; and I did understand that the girl said that there was a right smart of men in the party that killed her father; and some of them, she said, was white men, but she didn't know who; so I have no idea in the world but Arnold Lee did it, according to all the statements.

Question. Lee shot at him for what reason; was it a personal quarrel?

Answer. Lee's wife had taken sick and died, and Arnold suspected some witchcraft, and that Isaiah had conjured her, and killed her, and he just took the right, and said he was going to kill him broadcast.

Question. You say that nobody ever threatened you in regard to voting?

Answer. No, sir.

Question. But many men told you they were threatened by others?

Answer. Yes, sir.

Question. Who did they say threatened them?

Answer. Citizens of Sumter County.

Question. I want the names of the men. They must have told you, if they told these circumstances: "I was threatened by Mr. So-and-so." Who did they tell you threatened them?

Answer. Well, now, sir, I don't remember any men to have told me, though they may have done it; but I have frequently understood it to be said that they were threatened, but at the time present I can't call it.

Question. Who was it asked you if you knew anything about the Free Masons, and told you the Ku-Klux were as hard to find out?

Answer. Mr. Asa Emerson.

Question. Where does he live?

Answer. He lives up west of Sumpterville.

Question. Did he use any threatening language to you?

Answer. Not any at all; we were just merely talking.

Question. Merely saying that the Ku-Klux could not be found out?

Answer. Yes, sir; things in general. I don't know what caused the conversation to arise at the time. The way the conversation started, we were talking about the big railroad bridge up at Jones's Bluff, and talking about the way we went contrary to the citizens of this country, and as long as we did that we would meet difficulties, and we might expect it; that their interests was ours, and ours and theirs was the same, and it must go one way; that when we did we would live as we ought to; that is the way the conversation came to arise.

Question. Who was it gave the governor the damned lie?

Answer. It was an Irishman; I don't know him; I don't know what his name was; I didn't know him.

Question. What insults were offered to Governor Parsons?

Answer. Dictating, and cross-questioning, and saying things he said wasn't so, &c.

Question. Who said that to him?

Answer. I heard Mr. Ned. Ustick here, for one man, say so. He was one that I knew of was arguing and talking with him.

Question. Has it not always been the fashion at public meetings here to talk that way?

Answer. No, sir; I never had heard any such disgusting carryings on in my life as there was that day.

LIVINGSTON, ALABAMA, *November* 1, 1871.

WILLIAM S. MUDD sworn and examined.

By the CHAIRMAN:

Question. State your place of residence and official position.

Answer. I reside at Elyton, Jefferson County, Alabama. I am one of the judges of the circuit courts of this State.

Question. What counties does your judicial district embrace?

Answer. It embraces Jefferson, Tuscaloosa, Fayette, Sanford, Marion, Winston, and Walker.

Question. How long have you officiated as judge?

Answer. It will be sixteen years next May, with the exception of a short time after the surrender. I was first elected in May, 1856, and have been continually on the bench from that time to the present.

Question. Of what State are you a native?

Answer. Kentucky. My father moved to this State, though, when I was an infant.

Question. Have you lived ever since in Alabama?

Answer. Yes, sir.

Question. The committee wish to inquire into the condition of that part of Alabama with which you are familiar, so far as regards the execution of the laws and the safety of the lives and property of the citizens. You will please give the committee any information you may have on this subject, whether derived from your own personal knowledge or from sources deemed reliable.

Answer. Well, sir, there has been no interruption in the courts in my circuit either before the war, during the war, or since the war.

Question. Has your circuit been the same during all this time?

Answer. No, sir; but it has been the same since the war. I believe there has been no change since the war. It was changed during the war. I do not think I have missed a court the whole time since the war—since I was appointed by Governor Parsons. The general condition of my circuit is as quiet as any portion of the State. There have been some outrages committed by unknown persons; some men have been killed and some have been whipped.

Question. I wish to direct your attention especially to the outrages of the description mentioned by you, committed by unknown persons, where some have been killed and some whipped. State the circumstances of those outrages, and the cause of them, so far as you have been able to ascertain.

Answer. That would be very difficult to do. It is a matter I have been trying a long time myself, while upon the bench, to ascertain, and have ascertained. My entire information, though, in regard to those matters, is derived of course from judicial investigations before me, and information derived from credible witnesses. I do not know that I can say anything more than what I have already stated about that. Now, the causes I am unable to state.

Question. Have these outrages of which you speak been committed generally in the night-time?

Answer. Yes, sir; generally in the night-time.

Question. By persons in disguise?

Answer. Yes, sir; said to be by persons in disguise.

Question. How would their numbers vary?

Answer. Do you mean the number of persons that commit outrages?

Question. Yes, sir; I speak of the bands of disguised men.

Answer. I do not know that I could give you any satisfactory information, because it is a matter about which I never inquired. It was most usually said to be by a company of men; I would suppose to be not more than ten or twenty; I suppose that was about the number generally.

Question. Did you think they appeared to be organized—to have a leader?

Answer. I could only anwer that question in this way—only give you my opinion from information. My opinion is that they were organized; that there has been such a thing as an organized body; though I would also state, that I have no doubt that some of them have been perpetrated by men who were not connected with any organization.

Question. In the cases that have been brought to your attention, or about which you have received information, did there seem to be a discrimination made on account of color or political opinion in the infliction of punishments?

Answer. No, sir; I incline to the opinion that most of the outrages that have been committed in my circuit have generally proceeded from other causes than political.

Question. Were they visited generally upon the colored people?

Answer. Yes, generally, although there have been some instances where white people have been also abused.

Question. Have your grand juries been able, as a general thing, to find out the perpetrators of these outrages?

Answer. No, sir; in most cases they have not, from the fact that the parties have been disguised and were unknown. There have been some indictments found, though.

Question. Have there been any punished?

Answer. Yes, sir; there have been. There were some three men. I don't remember but one instance where persons were indicted and convicted that were shown to have worn disguises, and that was in Tuscaloosa County. They were tried and punished in that instance.

Question. You may give the particulars of that case as they were revealed by the evidence.

Answer. There were three young men—three boys, in fact—who were not connected, I am satisfied, with any organization, or any organized body at all; they were three young men, probably from sixteen to twenty years of age. They took out some colored people; and, in fact, there are two indictments pending against them that have not been tried. They were only convicted in one case. They beat them, and they were indicted and punished. That was a simple assault, and I imprisoned them for some time; I do not remember how long. They were found guilty of an assault and battery.

Question. Were they the only members of the party which inflicted this whipping, or the only ones discovered?

Answer. I think they were the only ones. I think they had no connection with any one else; the proof did not show that, and I am satisfied they were not connected with any one else.

Question. This was in Tuscaloosa County?

Answer. Yes, sir.

Question. I will begin with the counties of your circuit in the order in which you have given them. What has been the condition of Jefferson County as to the observance of the laws, peace, and quiet, and the protection of life and property?

Answer. Well, sir, the great body of the people are as law-abiding there as anywhere—probably as anywhere in the State, I might say. I speak of the great body of the people, though there have been several homicides committed in the county by disguised men, and there have been several persons whipped by disguised men.

Question. When did these occurrences take place—within what period of time?

Answer. I don't remember the dates; there have been two or three of them tried before me, too. There have been about as many in my county, I expect, as in any other in the circuit. I reckon it has been about two years ago that the first homicide that I remember to have been committed by any disguised person occurred.

Question. Is Jefferson County connected with the one you lived in?

Answer. Yes, sir; about two years ago was the first instance; I think it has been about two years ago; I mean now by disguised men.

Question. And how recent the last reported case?

Answer. There has been no homicide by disguised men, I think, in the last six or eight months, that I recollect.

Question. Any whippings within the last few months?

Answer. Yes, sir; I have heard of several whippings within the last two or three months—within less time than that.

Question. By disguised men?

Answer. Yes, sir; said to have been by disguised men.

Question. About how many homicides, so far as your recollection enables you to count them up, have occurred in Jefferson County within the last two or three years; I mean homicides where disguised men were the perpetrators?

Answer. Let me count them up. I remember of four. In one case the indictment was pending against the parties. There had been an indictment found in one of the other cases to which I referred. The parties have left the country.

Question. Were the victims colored men in all these cases?

Answer. Yes, sir; in those I have reference to.

Question. So far as your information goes, what was the cause which prompted those murders?

Answer. Well, sir, it was said to be prompted by some bad conduct on the part of these colored people. Except in one case, I have never heard any cause assigned for that.

Question. Prompted by crimes committed?

Answer. Yes. Well, in one case it was not. One of the cases was where it was asserted that the negro was impudent, or had been impudent, to the wife of the employer; and in the other case, it was said that they had waylaid some white persons for the purpose of killing them. Those were the reports; how true, I cannot say.

Question. Those were the pretexts for the infliction of these outrages?

Answer. Yes, sir.

Question. Were they visited at their houses in all these cases and taken out and shot or hung?

Answer. Yes, sir; they were visited at their houses; that is, some of them were. I am not sure about some. Some of them I know were. The proof showed that some of them were killed at their houses or taken all but a short distance and killed. How many did I state?

Question. Five.

Answer. I should have said four. I remember of five.

Question. Five homicides within a period of two years?

Answer. Yes, sir; I think within that period.

Question. So far as your information goes, the parties who committed those murders varied in numbers from ten to twenty?

Answer. I do not know so far as the persons who committed those murders are concerned; I would not say that; but these disguised men generally go in crowds of from ten to twenty.

Question. I am assuming that they all participated in the murders.

Answer. I do not know that I ever learned. In one of these homicides there were only two men, and one of the parties has been tried and acquitted. The other has left the country—in that case. In the other, I understood there was a good large number that came to Mr. McDory's plantation. These things are always exaggerated, and it is almost impossible to tell anything about it. They will tell you there are forty or fifty, when on real count there are only ten or fifteen. I suppose in that case there were not more than ten to twenty; so one of the witnesses represented to me. In the other case, where two were killed, I never received information of the number engaged in it. In the latter case, there were not more than three or four, and one of the parties was arrested and tried before me, and he was acquitted. The fact is, I had him before me on writ of *habeas corpus*, and there was no testimony on which he could have been convicted. I would say that in one of these cases the proof showed that there were only two persons; one was tried and the other has left the country. In the other case, say from ten to twenty; that is about my information. Where the two others were killed on the same night, I have no information in regard to the numbers. In the latter case, I think there were some three or four; three or four, I think, were indicted for it, and I think that is about all that were engaged in it.

Question. You may state about what number of whippings inflicted by bands of men disguised or without disguise have been inflicted in your county.

Answer. I know of an old man and his wife, because they were tried before me. The county was sued in that case. That makes two cases.

Question. You may state the case if it will not take too long. Give the particulars of it.

Answer. Well, sir, the particulars were that the two negroes were taken out by a body of disguised men, consisting of six or eight, and very severely whipped, according to the testimony; and, under our statute, the county was sued, but there was a verdict rendered in favor of the county, which I think ought not to have been done. I think there ought to have been a verdict against the county. But the testimony of the negro was discredited. It is almost impossible to enforce such laws; those kinds of statutes are believed not to be strictly just and right. It was the same provision that was attempted to be incorporated in your Ku-Klux bill in Congress, this thing of making the county liable for the conduct of bad men; and it is very difficult to have that law enforced, because there is a prejudice against the law, as it is not believed to be right that the innocent should suffer for the guilty. Those are about the only facts that transpired; that he was taken out by some six or eight persons, and he and his wife very severely whipped.

Question. What was the alleged cause, so far as the testimony showed?

Answer. Well, sir, the negro stated—he was sworn before me and examined as a witness upon this trial—he stated that as they were whipping him they asked him if he did not vote the radical ticket. That is the only information I have in regard to the case.

Question. Was the case tried in the same county where the county was sued?

Answer. Yes, sir; tried in Jefferson County.

Question. Does your law allow a change of venue in such cases?

Answer. Yes, sir; there was no application for a change of venue.

Question. The jurors who were trying the case were tax-payers who would have to contribute their ratable share in making up the amount of the verdict?

Answer. Yes, sir.

Question. For that reason, among others, is not the statute difficult of enforcement?

Answer. Yes, sir; I think it is one difficult to enforce. It is like all other statutes that do not meet with general approval. The statute is regarded as a very obnoxious one, for the reason I have already stated, and it would be difficult to get that statute enforced.

Question. That remedy is provided only in cases where the actual perpetrators of the outrages, cannot be discovered, is it not?

Answer. Yes, sir; if you can discover them within six months the county cannot be sued. The object of the law was to induce diligence on the part of the tax-payers in searching out outrages.

Question. Do you say the principle of that statute is condemned by good citizens?

Answer. I think it is, upon the principle that it is wrong to inflict punishment upon the innocent.

Question. But does it not make every tax-payer interested in discovering and bringing to justice the perpetrators of the outrages, thus relieving the county?

Answer. Yes, sir; that was the object, no doubt, which induced the passage of the law. But it is very difficult to ascertain who these disguised men are. They come in disguise and they are off in a very short time. It is impossible to ascertain who they are, or only so when you can ascertain from one of themselves.

Question. If the whole community were alive to discover the perpetrators of these outrages, do you think there would be any practical difficulty?

Answer. If the whole community was so, no doubt; but there are a great many persons in the country who condemn these outrages as much as anybody, but do not feel that it is their business to hunt down the offenders. They think the law has appointed men whose duty it is to ascertain who they are, and it is not their duty to go out in the night-time and hunt them up.

Question. It is their duty, however, to serve as a posse at any time when required?

Answer. Yes, sir; they will all do that, and go at any time if the sheriff has them summoned. There has never been any difficulty in getting a posse yet.

Question. You have mentioned one case of whipping in your county. How many other cases occurred, to your recollection?

Answer. I cannot say; several. I reckon I have heard of half a dozen, but there have never been any trials.

Question. I will not ask you to give the instances, because I desire to examine you upon other counties. You think half a dozen whippings have occurred in your county within the last two years?

Answer. Yes, sir; within less time than that; several of them have occurred in the last three or four months.

Question. By bands of men in disguise?

Answer. Yes, sir; by persons in disguise. As to the number, I could not say, for I have no information, but I will say by persons in disguise.

Question. And the punishments were inflicted upon colored people uniformly?

Answer. No, sir; I have understood that one white man was whipped in our county not very long ago—within the last month—by disguised men; that was the first. I was on the circuit. I have learned that since I came home.

Question. Do your colored people vote the republican ticket generally in Jefferson County?

Answer. Yes, sir.

Question. What were the white man's politics?

Answer. I don't know; he is just a stranger—just came in, I know. I do not suppose anybody knows his politics. I understood he was whipped because he had stated he did not believe there was a virtuous woman in the world—a virtuous female; that is what he was whipped for, no doubt.

Question. Was he a northern man?

Answer. I don't know, sir; he is a man that just came in. I do not know his name. I just heard it spoken of.

Question. Has any person been punished judicially, so far as your knowledge extends, for any of these whippings you have mentioned?

Answer. In my county?

Question. Yes, sir.

Answer. No, sir.

Question. If these are all the instances that occur to you in Jefferson County, I will ask the same question in relation to Tuscaloosa County—in relation to the number of

homicides and the number of whippings inflicted by bodies of men after night in disguise.

Answer. Within what time?

Question. Within the last two years; I will not go further back than that.

Answer. I really cannot state; my attention has not been directed to that. There have been several. There was one negro killed there last spring, and a white man killed the same time. They went out Ku-Kluxing, and the negro had informed of it, and the negro killed the white man, and they killed the negro, both the same night.

Question. You may give the particulars of that.

Answer. That was last spring. Those are all the particulars. It is not known, only the young man that was killed was by the name of Samuel.

Question. Was he one of the band or party that went to inflict the punishment on the negro?

Answer. Well, sir, I do not know whether there was a band or not; it has never been shown or developed yet, as to how many were in company with him, or whether there were any others in company. I have no doubt there were others. I think I have understood so. I suppose there were. After the young man was shot, and they carried him off a short distance from the house, my information is that he was abandoned and left there until next day, and no information has yet been ascertained as to who accompanied him.

Question. Was he dead next day when discovered?

Answer. No, sir; he lived several days.

Question. Did he never make any discovery?

Answer. No, sir; he never made any discovery.

Question. Died with his secret?

Answer. Yes, sir; it is said he never made any discovery.

Question. Who was the negro slain; was the raid made upon his house?

Answer. Yes, sir.

Question. He killed this young man in defense?

Answer. Yes, sir. They went up to his house, I suppose, to inflict punishment or drive him off. He shot this young man, and he died of his wounds, and they killed the negro.

Question. How long after was the negro killed?

Answer. The same night—all at the same time; all a part of the same transaction. The report is, that this man was living—I think his name was Washington; I forget his name.

Question. The colored man?

Answer. Yes, sir; that he had lived in adultery with a white woman; that he had been notified that he must abandon the white woman; that they went out to inflict the punishment, and the difficulty occurred in which the white man and the negro were shot.

Question. Have any of the party concerned in the killing of the negro ever been indicted?

Answer. No, sir; they never have been discovered. This young man died without disclosing.

Question. Was he a young man respectably connected?

Answer. Yes, sir; as much so as any young man, I think, about town. I had no personal acquaintance with him, but he was very respectably connected.

Question. Did he live in the town of Tuscaloosa?

Answer. Yes, sir; his name was Samuel, I think.

Question. Samuel what?

Answer. That is his surname; I do not remember his Christian name.

Question. Was it supposed that the party was organized in the town that made the attack upon the negro?

Answer. Well, sir, I have no information on that subject.

Question. Samuel belonged in the town?

Answer. Yes, sir; he was connected with one of the printing offices there; he was a printer.

Question. Is that the only case of homicide?

Answer. No, sir; there were, probably within twelve months or less, a white man and a negro killed in the northern part of the county. I believe a white man—I am not sure, but I believe both a white man and a negro were killed in one night by disguised men.

Question. State the circumstances.

Answer. That is all I can state about it—that a body of disguised men were seen in the neighborhood, and that these two persons were killed. How the black man came to be killed I do not know.

Question. Was it said that the white man killed was one of the assailants of the black man?

Answer. Well, sir, I do not remember how that was. I think there have been some

indictments about that; I am not sure. I am inclined to think that there have been some parties indicted, but I am not positive.

Question. This occurred within twelve months?

Answer. Yes, sir.

Question. State any other case, judge, which occurs to you within that county.

Answer. At one time—I do not know whether it was within two years or not—there were several killed there. They got into a fight, and a white man was killed and three or four negroes; but I think probably that has been three or four years ago.

Question. I will not limit you strictly to two years; go back of that. As long as we have got upon Tuscaloosa County, you might as well take its general history since the war.

Answer. Up to within the last eighteen months there were a good many homicides committed there in Tuscaloosa County, several homicides said to have been committed by disguised men.

By Mr. BUCKLEY:

Question. Was Mr. Crossland killed in that county?

Answer. Yes, sir.

Question. Was he a member of the legislature from that county?

Answer. Yes, sir; that has been over two years ago.

By the CHAIRMAN:

Question. You may state the particulars of his case.

Answer. I do not know any of the particulars, except that he was waylaid on his way to the legislature and killed—shot and killed. He was on his way to town with a youth; he was going to take his seat in the legislature; and some man waylaid and shot him. That was done by an unknown person, but not by a disguised person.

By Mr. BUCKLEY:

Question. Was the young man killed at the same time?

Answer. No, sir; the young man was shot, I understand.

By the CHAIRMAN:

Question. Who was he?

Answer. It strikes me he was a representative from Pickens County, but I would not state that, for I am not quite sure. Some man from Pickens was with Crossland; I would not say that the one from Pickens was a representative.

Question. Was Mr. Crossland a colored man?

Answer. No, sir; a white man.

Question. Were both of them republicans?

Answer. Yes, sir. In reference to that second man, I do not wish to state that he was a representative, because I am not certain about that. You know about that, Mr. Buckley.

Mr. BUCKLEY. My impression is it was Crossland's son that he was traveling with.

The WITNESS. Crossland was shot with a young man in his company, who was not killed.

Question. Was that supposed to be a political murder?

Answer. That of Crossland was supposed to be.

Question. Has the murderer of Crossland ever been discovered?

Answer. No, sir. Then there was a young man killed by the name of Miller. That has produced a good deal of feeling and excitement in that county, from what cause I do not know.

Question. Was he killed by a band of disguised men?

Answer. We never were able to ascertain; every possible effort was made to ascertain, by summoning witnesses before the grand jury, and by having a detective in the county by appointment of the governor, and it never was ascertained by whom it was done. I do not know whether they were in disguise or not.

Question. Was Miller a white man or not?

Answer. A White man.

By Mr. BLAIR:

Question. What were his politics?

Answer. I do not know. I know his father's politics. I do not know the politics of the young man. His father is a republican. It was said, however, that his murder or killing was not supposed to have been on account of politics at all; that it did not grow out of politics.

By Mr. BUCKLEY:

Question. Is that a son of William Miller?

Answer. No, sir; I forget his first name. The young man lived in Fayette, but was killed in Tuscaloosa, just across the line. Every effort has been made to ascertain——

By the CHAIRMAN:

Question. Was he killed in the night-time?

Answer. Yes, sir; it was said to have been a little after dark. He was down at a grocery, and some men rode up and carried him off and killed him. It was not thought to have been political, although it may have been.

Question. Did that occur in Tuscaloosa?

Answer. Yes, sir.

Question. Proceed with any other cases that occur to you.

Answer. There were several other homicides committed there, some colored and some white. One white man I remember, and several colored persons—difficulties growing out of the killing of that white man—several homicides. It was kept up several days. The county got into a terrible excitement, growing out of that disorder.

Question. A white man was killed in the first instance?

Answer. Yes, sir; then there were some colored persons who were supposed to have been connected with it, and they were hunted down afterwards, and some of them killed.

Question. How many colored men were killed for the supposed murder of the white man?

Answer. I do not know; some two or three were said to have been killed; they were pursued.

By Mr. BUCKLEY:

Question. Do you recollect the white man's name?

Answer. I do not remember his first name; his surname was Finley. That has been [illegible].

By the CHAIRMAN:

Question. Have you finished the list of homicides in your county, so far as you are able to recollect them?

Answer. I suppose that is about all. There have been some whippings in the county—some whippings of negroes.

Question. Could you give about the number?

Answer. Well, sir, there were two or three trials had before me at the last term of the court for whipping negroes; and then there are some indictments pending there now, said to be for that offense. I could not state what number.

Question. Have there been any convictions?

Answer. No, sir; there were no convictions at the last term.

Question. Did the evidence at the trial show that the whippings were inflicted on the negroes by bodies of disguised men?

Answer. Yes, sir; not large bodies; in one case three men—so the negro swore. In both cases the number was stated to be three.

Question. Were they taken from their houses and whipped?

Answer. As I have stated, he was caught on the road, or probably taken from his house; the other was at his house. I think both were at their houses; I am not sure. One, I know, said he was at his house, and, I think, in the other case; but I am not familiar with the facts in the other case.

Question. The next county in order is Fayette. Is Fayetteville the county-seat?

Answer. Yes, sir.

Question. You may give the committee a general statement in relation to the condition of Fayette County since the war, as to peace and the enforcement of the laws. Has it been a quiet, orderly county, or have there been a great many disturbances?

Answer. Well, sir, there have been a good many disturbances in that county, but confined, I think, to a few men—to a few bad men.

Question. What is the general character of the disturbances, I will ask you, before going into particulars?

Answer. Well, sir, there have been several homicides—several colored persons killed.

Question. Any whippings?

Answer. Yes, sir; there have been some whippings.

Question. Any house-burning?

Answer. I am not sure. I do not remember that there were any house-burnings; I do not remember of any.

Question. Any colored schools interfered with?

Answer. I think not, sir.

Question. Any churches burned?

Answer. No. There are so few colored people in that county that there would not be anything like a colored school.

Question. Were the victims of the outrages you speak of in that county generally colored people?

Answer. Yes, sir; those I have reference to were colored people. I do not know

that there have been any outrages committed on any white in that county. I do not remember of any now.

Question. You may give the particulars of any of the homicides that have occurred in that county, as far as you are informed.

Answer. Two of the persons, a man and his wife, were killed, as I learned from an investigation had before me at the last term of court, under about these circumstances: They had been arrested on some charge, a charge of larceny probably, and were on their way, in the custody of an officer, to the jail in Fayette County, or to the court-house, and while on the way they were met and taken from the custody of the officer and killed, about four miles from the court-house.

Question. In the day-time or night?

Answer. In the day-time, I think.

By Mr. BLAIR:

Question. What were they under arrest for?

Answer. Either for larceny or for an assault and battery. The facts were about these: The white man had caught the negro stealing corn, and he had prepared himself with a gun, and, I think, the negro had prepared also; at all events, the negro shot at the white man, and he was arrested; but whether he was taken up for the larceny or for the assault I do not know; but he was in custody at the time.

By the CHAIRMAN:

Question. How large was the party that rescued these prisoners and shot them?

Answer. I have no information on that subject, sir. I do not think I ever heard.

Question. Were they said to have been disguised persons?

Answer. I think so.

By Mr. RICE:

Question. Did you say it was a man and his wife that were killed?

Answer. Yes, sir; said to be a man and his wife.

By the CHAIRMAN:

Question. Were they both shot?

Answer. No, sir; I think the testimony showed that the woman had her throat cut; that she was taken off a short distance to one side, and that when she was found she was found with her throat cut. That was elicited at the investigation had at the last term of court. Mr. Minnis was present, and conducted the examination.

By Mr. BUCKLEY:

Question. What was the woman arrested for?

Answer. I do not know; they were both arrested and being brought down in the custody of the officer.

By the CHAIRMAN:

Question. When did that case occur?

Answer. Well, sir, that occurred not longer than twelve months ago; I think it is about twelve months ago; it may have been eighteen.

Question. Have the murderers ever been discovered?

Answer. No, sir.

Question. Did the evidence show that the sheriff made all the available resistance he could?

Answer. They were not in the custody of the sheriff; they were in the custody of other persons, who were charged by the justice of the peace with conveying them to the jail. They were committed to the jail by a justice of the peace.

Question. Did the evidence tend to show that there was any complicity between the persons who were guarding the prisoners and those who attacked them?

Answer. No, sir; the evidence did not show anything of that kind.

Question. Mention any other case in Fayette County that occurs to you.

Answer. Well, since the last spring term of court, there have been two colored persons killed, two women. That was not done by disguised men, however. The parties are said to have been known, and they have been indicted for it, and have left the country.

Question. State the particulars of the murder of these women.

Answer. I do not know that I can do so. One of them, I understood, was killed because of some insolence, and was followed as she was leaving the place. I do not know as I ever heard the cause of the killing of the other. I know they were both murdered, according to the evidence, or according to what I heard of it.

Question. This occurred since the last spring term of court, you say?

Answer. Yes, sir.

Question. You say indictments have been found, but the parties have fled?

Answer. Yes, sir.

Question. Did the evidence show how many were concerned?
Answer. Only one or two were concerned; it was not by disguised men at all.
Question. Any other cases?
Answer. I do not remember any other case of killing. I have heard numerous reports of whipping by disguised men.
Question. You may proceed to relate all the cases that occur to you.
Answer. Well, sir, I cannot do that; I can only state that I have heard of a number of whippings in that county by disguised men.
Question. Were the victims uniformly colored people?
Answer. I believe they were, sir. That is my information.
Question. Were they visited generally at night? Were these whippings inflicted, I mean, after night?
Answer. Yes, sir; generally.
Question. Have any of the parties concerned in these whippings been arrested, to your knowledge, and brought to justice?
Answer. Some have been indicted and arrested, but the witnesses have disappeared from the country.

By Mr. RICE:

Question. How did they disappear; do you know?
Answer. No, sir. They were not found by the sheriff. It was understood when the cases were called that they had gone to Mississippi.

By Mr. BUCKLEY:

Question. Did you ever hear that some colored persons on Judge Wilson's place were visited?
Answer. Yes, sir; those are some I had reference to.
Question. Did you ever hear that any were visited on the plantation of Mr. Cole?
Answer. Yes, sir; I have reference to those also. I mentioned them all together.
Question. Did you ever hear of any cases of rape on his plantation?
Answer. Yes, sir; I understood that some parties had ravished some of the females on Mr. Cole's plantation.
Question. Were those parties disguised, as you understood?
Answer. No; I think that some of these parties have been indicted. I am pretty certain that they were indicted at the last spring term.
Question. Did you hear that they whipped or run off the colored men, and then committed the rape?
Answer. I cannot state about that; I know it was said that the women were ravished.

By the CHAIRMAN:

Question. Colored women?
Answer. Yes, sir.
Question. Have the perpetrators ever been discovered?
Answer. There were indictments found against some of them at the last term of the court.
Question. Have they been arrested, or fled?
Answer. No, sir; I think they have fled; I have understood that they have, some of them.
Question. If no further instances occur to you, you may proceed to Sanford County, and state all the homicides or whippings that have occurred there.
Answer. Well, sir, there has been one homicide committed there that I know of, since the last term of court; not by a disguised band.
Question. Give the particulars.
Answer. It was a very deliberate murder, according to the way I heard of it. An effort was made to indict him, but they were unable to get the witnesses at the last grand jury. He will be indicted at the next.
Question. That was not by a combination?
Answer. No, sir; it had no connection with a combination.
Question. Do you know of any homicides committed in your county by a combination of men?
Answer. I only know of one; and if mob law would be justifiable in any instance, it was in that. That was where a man had ravished and killed a white woman in the neighborhood, and a body of men seized him and shot him. He killed a white woman, and it is supposed that he ravished her and killed her, and then a body of disguised men arrested him and killed him.
Question. Is that the only case you have heard of in that county?
Answer. I believe it is, sir, of killing by disguised men.
Question. Have you heard of any cases of whipping?
Answer. Yes, sir; I have heard of some cases of whipping.
Question. Do you recollect the particulars of any of the cases?

Answer. No, sir; most generally when I hold a court I make inquiry about these subjects, and they told me certain persons have been whipped by disguised men; that is about all the information I have on that subject.

Question. About how many cases of whipping, according to your information, have occurred in Sanford county?

Answer. I could not state definitely; I could only say several.

Question. You may pass, then, to Marion County.

Answer. Well, sir, there have been some murders committed there since the last term of court; not by disguised men, however. There are no disguised men in that county. There may be individuals, but there is no such thing as an organization in that county, I am certain. There were two murders committed since the last term of the court. One of the parties was tried, convicted, and sentenced to the penitentiary for life.

Question. Any whippings by disguised men?

Answer. No, sir; it is as quiet and orderly as any county anywhere, North or South.

Question. Are you speaking now of the condition of the county since last spring, or of the county, generally, since the surrender?

Answer. Generally, sir; there have been no disorders in that county, except occasional murders, killings, homicides. There was, some twelve or eighteen months ago, a man taken out of jail there and whipped.

Question. A white man, and by disguised men?

Answer. Yes, sir; they were disguised, so the jailer stated, but they had no connection with any organized body of disguised men. The man had been arrested for larceny and put in jail, and those from whom the property was stolen took him out and whipped him, and he left the country, and they have been indicted for it.

Question. You may now speak of Winston county in the same connection in which you have spoken of the previous counties.

Answer. Well, sir, there have been no whippings or murders by disguised men in that county.

By Mr. RICE:

Question. No organization there?

Answer. No; they are nearly all republicans and all one way; nearly all republican in politics, and there are no negroes in the county; they are nearly all of one class. There is no organization in that county.

Question. You may speak of the last county you named in your circuit—Walker County.

Answer. Well, there have been no homicides in that county within the last two or three years by disguised men. Some two or three years ago it was said there was one negro killed there. There are in that county very few colored people; there have been several whippings of colored people in that county?

Question. By disguised men?

Answer. Yes, sir.

Question. In Walker County?

Answer. Yes, sir.

Question. Within what time?

Answer. Within the last twelve months.

Question. Have the perpetrators been discovered?

Answer. Some of them are under arrest now by the United States marshal, and under bond to appear at the next term of court.

[At 6.15 p. m. the committee took a recess till 8.30 p. m., at which time the examination of Judge Mudd was proceeded with.]

By the CHAIRMAN:

Question. Have you anything to add to what you have already said in relation to the condition of things in the several counties of your judicial circuit?

Answer. Not, unless you want to know the present condition of things.

Question. I will come to that presently; unless there be something that has occurred to you during the recess, instances of murders, of whippings?

Answer. I know of none beyond what I have mentioned.

Question. I call your attention to "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," approved December 26, 1868, by the executive of Alabama; particularly to the preamble of that act, which I will read:

"Whereas there is in the possession of this general assembly ample and undoubted evidence of a secret organization, in many parts of this State, of men who, under the cover of masks and other grotesque disguises, armed with knives, revolvers, and other deadly weapons, do issue from the places of their rendezvous, in bands of greater or less number, on foot or mounted on horses, in like manner disguised, generally in the late hours of the night, to commit violence and outrages upon peaceable and law-abiding citizens, robbing and murdering them on the highway, and entering their

houses, tearing them from their homes and the embrace of their families, and, with violent threats and insults, inflicting on them the most cruel and inhuman treatment; and whereas this organization has become a wide-spread and alarming evil in this commonwealth, disturbing the public peace, ruining the happiness and prosperity of the people, and in many places overriding the civil authorities, defying all law and justice, or evading detection by the darkness of the night and with their hideous costumes: Therefore, be it enacted," &c.

I desire to inquire of you how far the facts thus grouped together in this preamble have been verified by your own experience and information throughout your judicial circuit and other parts of the State up to the time this act was approved.

Answer. My answers already given cover the principal portion of this. I think this preamble uses a little stronger language than I would be disposed to use if I were drawing up one myself.

Question. Predicated, I mean, on the state of facts at the time that preamble was drawn and adopted, (26th December, 1868,) how far would you modify its recitals as to the condition of society at that time?

Answer. In my own circuit, in the greater portion of my own circuit I should modify it considerably, especially in regard to "overriding the civil authorities, defying all law and justice, or evading detection by the darkness"—well, I do not know, putting it in the alternative. The principal modification I would make to that preamble would be, that this would be confined to comparatively a few persons. I would modify this preamble in that respect.

By Mr. BUCKLEY:

Question. At the time that that law was passed did not these troubles exist to a greater extent in North Alabama, and not so much in your circuit?

Answer. Well, sir, at the time this law was passed, in my own circuit I do not think this organization existed at all, except in the county of Tuscaloosa. I say not at all; perhaps that would be going a little too far. If this preamble was confined to a small portion, was modified so as to apply to a small portion, of the citizens, I would be willing to adopt it; but it should not apply to the great mass of the people. Now, in Tuscaloosa County, which, at the time of the passage of this law, was the most disorderly, perhaps, in my circuit, these disorders were confined to comparatively very few persons.

By the CHAIRMAN:

Question. Do you mean to say that the same persons committed all the different outrages?

Answer. Not the same persons. The same outrages were not committed in all instances by the same persons, but wherever they were committed they were committed by a very few persons comparatively.

Question. Were they not sometimes committed in different parts of the same county, at about the same time, indicating that the organization was larger than it would appear to be in one particular locality?

Answer. No; I think not; not about the same time.

Question. What, in your opinion, then, was the extent of the organization in Tuscaloosa County when it was largest?

Answer. I have no fixed opinion about that. You mean as to numbers?

Question. Yes, sir.

Answer. I have no idea on that subject; I could not form any opinion.

By Mr. BUCKLEY:

Question. Was it not large enough, judge, to cause a great deal of intimidation among the better class of citizens? Were not a great many good citizens compelled, through fear, to keep quiet and to make no effort to put down these things, through fear of personal violence themselves?

Answer. Put that question again.

Question. Was not the number sufficiently great to cause a great many good citizens to shrink from attempting to put down this lawlessness, through fear of personal violence?

Answer. I think it probable that it did have that effect upon a good many persons. In other words, I think the combination was too strong for public opinion to have free action; or if it could have had free action, it did not have it.

By the CHAIRMAN:

Question. Did this combination, whether it was great or small, commit the outrages that are described in this preamble?

Answer. Some of them.

Question. What outrages enumerated in this preamble would you omit?

Answer. I would omit that of robbery. I do not know of anybody that was robbed by them. There were men that were killed and whipped by them.

Question. Were the citizens peaceable and law-abiding that were outraged?

Answer. As far as I know they were, although they were generally charged with some offense.

Question. Charged by this gang of marauders?

Answer. That was the excuse given for it. There was generally an excuse given.

Question. By whom?

Answer. By the persons who committed the offenses.

Question. That is to say, at the time they were inflicting the violence, whatever it was they would render some excuse?

Answer. Yes, sir; that is the idea.

Question. Did they murder upon the highway?

Answer. Murders were committed on the highway by unknown persons in some instances.

Question. Did these disguised men enter houses of people at night?

Answer. It was so said.

Question. Did they tear the parents or sons, as the case might be, from their homes and families, and with violent threats and insults inflict on them cruel and inhuman treatment?

Answer. I cannot answer as to what they said to them. I only know that they whipped them—that it was reported that they whipped them. What language of insult they used toward them I never heard.

Question. Did these affairs greatly disturb the public peace?

Answer. In some localities, I think they did.

Question. Have they not in a great majority of cases defeated all law and justice?

Answer. Yes; I think so.

Question. Were these bands of men generally disguised?

Answer. Yes; generally so.

Question. And mounted on horseback?

Answer. Yes, sir.

Question. Were they armed generally?

Answer. Generally armed with pistols, is my information.

Question. Did they seem to act in concert, and have a leader?

Answer. Yes; that was my understanding.

Question. Is it your understanding that their horses were disguised?

Answer. Yes, sir.

Question. So as to completely baffle all attempts to detect them?

Answer. Yes, sir.

Question. I wish to learn from you, judge, as far as I can, the purposes which these bands of men seem to have had in view in the infliction of these punishments. Did they seek to drive from the country objectionable persons?

Answer. I think not. I think that in the larger portion of my circuit it was something in the nature of a vigilance committee.

Question. Did they seek to punish negroes suspected of theft or other crimes?

Answer. Yes; that was principally the excuse given for these outrages.

Question. Did they seek to influence negroes in voting, or abstaining from voting?

Answer. Not that I know of. In my own county, I am satisfied that there was nothing of that kind.

Question. Did you ever hear that imputed to them?

Answer. Not in my county.

Question. In any other part of your circuit?

Answer. No, sir; not in my circuit. I have heard it imputed in other parts of the State.

Question. Have you heard it said of this organization that they sought to promote the success of a particular party?

Answer. Yes, sir; I have heard that said.

Question. That they sought to obtain the political control of the State, and offices of the State, and local offices?

Answer. I have heard that said by members of the republican party and denied by members of the democratic party. It is charged by the one party and denied by the other.

By Mr. RICE:

Question. Were these bands supposed to be composed of a respectable portion of the community?

Answer. No, sir.

Question. Do the portion of the community that are not respectable have sufficient regard for good order in society, and the maintenance of law, that they would, of their own accord, take it into their own heads to punish the offenders against the law—men guilty of larceny, &c.?

Answer. Would bad men do it?

Question. Yes, sir.

Answer. They have done it, and would do it again.

Question. Bad men take it up of their own accord to punish offenders against the law?

Answer. Yes; I know that to be the fact, and I judge from this: in my own county, at one time last spring, they held a public meeting there, and all the respectable citizens denounced this thing, and for some time there were no demonstrations, no acts of violence perpetrated; but it has recently, within the last month or so, I understand, been renewed.

Question. Why do you come to the conclusion that these bad men do it for the purpose of enforcing the law?

Answer. For the purpose of enforcing the law? I do not say they do it for the purpose of enforcing the law.

Question. That is the question I put to you. You say they are composed of bad men; that their object is not political; but that they do it under the pretense of punishing men who had committed offenses, larcenies, &c.

Answer. Yes, sir.

Question. Now, I ask whether the bad men of the community have sufficient interest in sustaining the law to do these things for the sake of punishing men who are violating the law?

Answer. They do not do it for the purpose of sustaining the law. They do it to break the law, and know they do it.

Question. What motive have bad men in organizing themselves into these bands for the purpose of punishing men that are committing larcenies, &c.?

Answer. I do not know that they do it for that purpose. I say that is the avowed purpose when they commit these offenses.

Question. Do you think that is the purpose?

Answer. No; I do not think so.

Question. What do you think is the purpose and object of it?

Answer. In some sections of the State there is a feeling of personal hostility to the negro; that is one purpose; and in some portions of my circuit they will not let a negro live; that is, it is a white population, and they do not want to come in contact with the negro. They want to cultivate the lands themselves, and they want to have an exclusively white society, so far as possible.

Question. It is enmity to the negro, in your opinion?

Answer. Yes, sir; it is a feeling against the negro. I would not say it was a feeling of enmity, but it is something in the nature of dislike—a recoiling from contact with the negro in those localities.

By Mr. BUCKLEY:

Question. Does that explain the existence of bands in counties like this, where they are very anxious to retain the negro?

Answer. No, sir; it would not explain those acts of violence in this county, or Greene County, because here they desire to retain their labor. I base my opinion upon this fact: In one of the precincts of my county, all the people of which voted the republican ticket for President, I ascertained a short time ago, to my astonishment, that the Ku-Klux had formed an organization there, consisting entirely of boys and young men whose parents, I know, would be as much opposed to it as I would be; and I can only account for the organization there on the theory I suggested. There have been no black men in that county, except a few, introduced, and they have been made to leave it.

By Mr. RICE:

Question. Have the outrages been confined to men who voted the republican ticket?

Answer. I cannot say they have, because I do not know how those upon whom they inflicted punishment voted; I do not know how they voted.

Question. Has it ever been charged that any of those who belong to those organizations were republicans?

Answer. Only in case of the man who sued the county. He stated that he was whipped because he voted the radical ticket.

Question. I meant to ask, has it ever been charged that the men who belonged to this organization were, any of them, republicans?

Answer. No; I think it is generally understood that the republican whites, as well as the republican blacks, are opposed to it. I think that is the understanding.

By the CHAIRMAN:

Question. Have the colored men generally been the victims of these outrages?

Answer. Generally.

Question. How do you account for the existence of these combinations in counties where the negro population is large, and where it is essential to the cultivation of the land; what is your theory for the existence of these combinations there?

Answer. That would bring up a question about which I have studied a good deal,

and about which I have not been able to give an answer satisfactory to myself. It may have been instituted, possibly, for the purpose of controlling the labor in localities like this. It would be found difficult, and it was not strange that it should be so either—found difficult to control the labor according to law, and it was intended, I think, at the time, to excite something of a terror over the laboring population, so as to compel them to do by fear what they were unable to make them do by law, as there was no law provided for it. For instance, the violation of a contract on the part of a freedman with his employer could not be enforced through the courts, because nothing could be recovered for the violation of that contract; and I have heard gentlemen say, who lived in this section, that that was supposed to be one of the reasons—the original reason for the organization. How true it is I cannot say.

Question. If that theory be true, would it not necessarily implicate the employers or planters as having been also members of that organization, or as having encouraged its formation?

Answer. Yes; it would seem that these reasons would imply that it must have been done with the knowledge originally of the employer, or his consent.

Question. Because it would be wholly in their interest?

Answer. Yes, sir; I think so.

Question. Have you ever heard it said that it was the policy of the planters to prevent the blacks from emigrating—from leaving the State?

Answer. No, sir; I have never heard anything on that subject, for the reason that where I live it is a matter that does not concern us in any way. We have a large white population there.

By Mr. BUCKLEY:

Question. In regard to those contracts, does it not frequently happen that when a colored man violates his contract he does it through the instigation of some white man who wishes to secure his labor?

Answer. I think that is to some extent true.

Question. Especially true in localities where labor is scarce?

Answer. Yes. I say I think it is very often the interference by one white man with the freedmen upon another's plantation that produces these violations of contracts. I think that is the cause, sir. For that reason we have a statute which prohibits it.

Question. In instances of that kind recoveries may be made?

Answer. Yes; we have a statute which prohibits that, and makes it an indictable offense.

By the CHAIRMAN:

Question. Is it your opinion, from the best information you have upon the subject, that these combinations of men are formed and exist in the counties in which their operations are carried on, or that they come from a distance?

Answer. Well, upon that subject I have no settled opinion. I think that the organization exists, or did exist, at all events, in four of the counties of my circuit, perhaps five of them; four, certainly; whether the outrages are perpetrated by those who live in the county or not I am not able to say.

Question. If the outrages of a particular county—say Tuscaloosa—are committed by a band of men from an adjoining county, it would seem to imply necessarily, would it not, that this organization extended into the adjoining county, and that there was a secret understanding between what would appear to be two distinct bands of men?

Answer. Yes, sir; if it be true that this Klan in Tuscaloosa County can call in to its assistance a Klan in Greene County, we would naturally conclude that they existed together—that they had an understanding with each other.

Question. So far as you have investigated in all the cases which have occurred, does it appear in any of the instances that the band of men who had committed a particular outrage have been traced beyond the county line?

Answer. Not in my circuit, except in one instance. In one instance it was believed that the outrage was committed by a body of disguised men coming from another county. In the other instance to which I have alluded, it was supposed that it was perpetrated by parties living in the county.

Question. Was the locality ever fixed, the rendezvous, whence this body of men originated or came, and where they returned?

Answer. In one of the cases in my county it was said that they came up from Tuscaloosa, or Bibb County, and returned in the same direction.

Question. Where, Judge, is the principal difficulty in finding out who these disguised men are? If the community were wide awake and made an earnest and determined effort to bring these men to justice, where is the practical difficulty in discovering who these marauders are?

Answer. I think it is to be found in the fact that the witnesses will not swear to the truth when they are called before the juries of the country.

Question. But if fresh pursuit were made right on the trail of the retreating marauders, could they not be tracked to their den or to their homes?

Answer. If immediate pursuit was made, if the officers of the law knew that they were coming into a particular locality, they might make immediate pursuit and detect them, but they generally, as I understand, throw off their disguises upon returning, and scatter and go to their homes. If it was known that a party of disguised men were coming into this town to-night, and the officer could be apprised of that, he could follow and detect each one; but if they were not known, they could scatter and could not be ascertained.

Question. If in other communities, where horse-stealing is common, a horse-thief may be successfully followed a hundred miles and overtaken, the horse recovered, and the thief secured, why could not these marauders be followed, and some of them captured and brought to justice?

Answer. I do not know any reason why that could not be done, if the proper steps were taken by the officers to do it, provided they could get truthful information on that subject; but if you were to follow a band of these men who were determined they would not be detected, and were to find one who had seen them pass, if he belonged to the Klan, he would tell you he had not seen them pass. Every man feels an interest in arresting a horse-thief, and therefore discloses everything to aid in his pursuit; but in regard to this Ku-Klux organization, you follow on, and you come to a certain point in your investigations, and there you cross a man, and his interest is to tell you a falsehood about it, and the result is you would not be able to pursue him. But I think that the main reason why they cannot be detected is that when they are called before juries they will not disclose the fact.

By Mr. [illegible]:

Question. The witnesses?

Answer. Will [illegible].

By the CHAIRMAN:

Question. Will not, because of fear, or because of complicity?

Answer. I cannot tell you that. I think that I could if I were a member of the grand jury. I think that I could call upon men who, if they would tell the truth, could tell who these bodies are.

Question. If it be true that men who live on the highway, and see these people pass, will not disclose the fact, or disclose their names—and thus justice is thwarted—is it not evidence that this body of men, though apparently not more than thirty, forty, or fifty, have an extensive body of friends and sympathizers who cover up their misdeeds, and refuse to disclose the evidence?

Answer. There is no doubt but what there is a general fear prevailing in the communities in which these Klans exist. For fear of private injuries, or something of that kind, there is no disposition generally on the part of the people to disclose voluntarily what they know upon that subject. The best man, I think, in the country would not be disposed to do it through fear of personal violence, or fear for their property, from the hands of some of these men.

Question. Then, is it not true that justice and law are overridden by these bands of lawless men in the community where they exist and flourish?

Answer. It is overridden in that way that you cannot ascertain the facts by judicial investigation through the courts of the country, nor would you be able to do it in any way I know of, unless you can make witnesses who are sworn tell the truth.

Question. Then the law is virtually paralyzed in attempting to reach these men?

Answer. It is from the fact that they will not disclose; not from any want or disposition on the part of the officers of the law to enforce, but from the fact that the witnesses who testify will not disclose the truth.

Question. It results, then, that the witnesses who do know and refuse to testify, abstain either because of complicity or because of terrorism, does it not?

Answer. You are as capable of answering that question as I am. I can only state the fact.

Question. I am asking your opinion.

Answer. If you want my opinion of it, yes; I would say they were either influenced by fear or something else, certainly; that would be my opinion.

Question. If the great body of society set their faces against these crimes, and were anxious to bring these men to justice, it could not be otherwise but that, with their Argus eyes, these men would be discovered?

Answer. I think so. I think they would be discovered. I think, in other words, if they were to use the same diligence to discover the men who perpetrated these outrages that they would to discover a man who stole a horse, a great many of them might be detected.

Question. Precisely. And now, to recur to the condition of things before the abolition of slavery, when a fugitive from service or labor escaped from one of the border slave

States into the North, did not the owner, in a majority of cases, succeed in tracking his slave clear up to the British Possessions, to Canada, and succeed in recovering and bringing him back?

Answer. I only know that as a matter of history, not as a matter of fact, because I have never had any such thing from my section of the country.

Question. Is that your information, that, notwithstanding the difficulties in his way, his own self-interest was sufficient to overcome all obstacles, and, in the majority of cases, recover possession of his slave?

Answer. In many cases; but I cannot answer as to the majority. I would say in many cases such is the fact.

Question. Would not the practical difficulty of following his slave into a community hostile to slavery be infinitely greater than in tracking these marauders to their dens or homes?

Answer. I do not know that it would be, because a man, when he traced his slave, especially until he reached the free States, would have the assistance of all persons in the slave-holding States; but when he got into the free States, whilst he might find many persons disposed to cover and hide out, and throw him off the track, he would also find many disposed to put him on the right track, and keep him on the right track, and hence he would be enabled to prosecute his pursuit pretty energetically and successfully, although a large majority might be opposed to his recapturing the slave.

Question. Precisely. Now, if the officers of justice were earnestly determined in pursuing these disguised men who had taken the life of a colored man, would there not be sufficient—ought there not to be a sufficient number of good men in the community to help him on his way and enable him to overtake them?

Answer. Yes, there certainly ought to be enough good men. I think all good men ought to lend their assistance to detect these men and bring them to punishment.

Question. And you think the proportion of good men is actually in the majority in these counties?

Answer. I think that nine-tenths of the men have no complicity with them at all; but these men do not feel that it is any of their business to expose their persons and property to the violence of these parties. They think it is the duty of the officers to do these things; that is the way they reason about these things.

Question. Do you think the offering of rewards would have any tendency to discover them?

Answer. None at all, except in some few instances it might.

Question. Where a negro has been murdered, have you ever known, in your judicial experience, any case of a reward being offered by the citizens for the discovery of the murderers?

Answer. No, sir.

Question. Such rewards are commonly enough offered, either by the governor or citizens, where prominent white men have been murdered, are they not?

Answer. Yes; and the governor has offered rewards for the murder of colored men, I think; I am not sure on this subject.

Question. Is it common to offer rewards for the discovery of murderers of white men?

Answer. Only by the relatives, aside from the governor. It is very rarely you ever find any of our community offering rewards for the arrest of even a murderer, unless it is a reward offered by the relatives of the murdered man. Sometimes it is otherwise, but very seldom.

Question. But if these outrages come to be in a community a great and crying evil, bringing odium upon the whole community, and the good men of that community are desirous of putting a stop to these outrages, would they not, should they not, combine in offering rewards to discover the men who are engaged in these unlawful enterprises?

Answer. Well, I do not know whether they ought or not. I think the governor ought to do what the constitution authorizes him to do, offer a reward; and I think every man, without any reward, should lend his assistance to the arrest of these parties, if it can be done; and if rewards would be available, I think it ought to be done by the people; I think that ought to be done.

Question. Have you known of any organization of any vigilance committee, or any anti-Ku-Klux order, for the purpose of stopping these outrages?

Answer. Any counter-organization?

Question. Yes, sir.

Answer. I do not remember of any. I do not know of any counter-organizations.

Question. Would not a counter-organization of good men, in your opinion, be successful in putting this thing down?

Answer. I think there is nothing better calculated to put it down than a healthy state of public opinion; the denunciation of it upon all occasions and at all times; that is a thing I always urge upon the people in my charges to the grand jury.

Question. Does not that state of healthful feeling exist upon the part of a great majority of the community?

Answer. It does now, and these outrages are ceasing; they are not nearly so frequent as formerly.

Question. How long has that healthy state of feeling existed?

Answer. It has been becoming a great deal better for the last two years, and in some localities these outrages have almost entirely ceased.

Question. Do you think there was an unhealthy state of feeling in the community?

Answer. At one time I think there was.

Question. Countenancing these outrages?

Answer. Not so much countenancing these outrages as opposition to legislation, to the congressional legislation, the reconstruction legislation.

Question. What connection had that with this organization, or the outrages which they prohibited?

Answer. It ought not to have had any; still it did have some; at least there was a bitterness of feeling aroused against the negro on account of his having been emancipated, and on account of the reconstruction measures, which placed him on a footing of equality with the white man.

Question. Then you think these outrages were perpetrated upon the negro at the time because of his emancipation and the legislation in his favor?

Answer. I think that had its influence.

Question. Was he supposed to be responsible for that legislation?

Answer. No, sir; and with good, sensible men it had no influence; but with these bad men, and those guilty of these outrages, it did have its influence.

Question. How was this legislation to be counteracted—by violence upon the negro?

Answer. It was more in a spirit of revenge than in any other spirit; because it ought to have been known, although our people were a long time in finding it out, and sensible men did know, that it was a thing which could not be counteracted at all; but a great many people did not believe that.

Question. From the first, was it not evident to all men that the colored people, as a general thing, in casting their votes, would vote with the republican party?

Answer. It ought to have been, because it was very natural that they should vote that way.

Question. Where they had an opportunity to vote, the great majority did vote that way?

Answer. Yes, sir.

Question. Did that not create irritation in the opposite party?

Answer. I think it did, to some extent.

Question. Do you not think the punishments of the negroes arose, to some extent, from that feeling in the opposite party?

Answer. I scarcely know how to answer that question, for the reason that in my own county, and in that section of the State with which I am the most familiar, there were no acts of violence used towards colored men. Now, outside of Tuscaloosa County there is Jefferson County contains more negroes than any other county; and I know that in that county there was no intimidation attempted; and I think it was ascertained that there were but six democratic votes cast by the colored people in the election of 1868. I know of no attempts at or use of violence or intimidation; but I know strong efforts were made by persuasion to induce some of these men to vote the democratic ticket, but it failed except in four or five cases.

Question. You speak of 1868?

Answer. Yes, sir; and my own county.

Question. Referring to other portions of your circuit, where the white population greatly preponderate, did the mere fact that the negro was emancipated, and was put by the law upon an equality with them in civil and political rights, tend to excite the strongest prejudices upon the part of the whites—particulaly the poor whites—against the negro—I mean because of his equality before the law?

Answer. Yes, sir; it excited a feeling of prejudice against the negro.

Question. Do you not think that in those counties much of this violence was attributable to that fact—to that condition of things?

Answer. It may, or it may not. I could not answer that question.

Question. Have you ever heard that in any of the counties in your circuit, or in any other parts of the State, a fund was ever raised for the purpose of defraying the expenses of these secret organizations?

Answer. No, sir; I never have heard of anything of that sort.

Question. Is it supposed that those reckless men who engage in those enterprises own the capital employed in them, the horses, saddles, bridles, &c.?

Answer. Well, I think that some of them who I believe belong to this organization are not able to own a horse or bridle either; but some of them are.

Question. Would not that seem to imply, then, that men of property are cognizant of these enterprises, and willing to lend a hand in them?

Answer. Unless they got the horses surreptitiously in some way, it would. I do not know how they get the horses, because they disguise them. If these men who do not

own horses obtained them with the knowledge of the owners of the horses, it would certainly implicate them in it.

By Mr. RICE:

Question. You seem to think there are but a small proportion or number in each county that belong to these organizations. I wish to ask you upon what you base that conclusion?

Answer. Well, sir, I base that opinion upon what I generally hear said by the citizens. I hear very few men speak in favor of it, and I hear almost a general condemnation of it. Whether these men are sincere in their condemnation I cannot say; I have only to judge from their expression.

Question. Have you ever heard it reported that the parties that go out committing offenses are mere committees that are directed by the organization to do these things, and not the organized body itself?

Answer. No, sir; I have never heard anything upon that subject. I do not know how they operate; the most that I have ever seen upon that subject is by reading the North Carolina report made to Congress. I have never heard anything in this part myself on that subject here, as to how it is done.

By Mr. BUCKLEY:

Question. Have your courts ever been interrupted in the administration of justice in any of the counties in your circuit?

Answer. No, sir; they have never been interrupted. There was a temporary interruption last spring at the Fayette court.

Question. Of what nature was that interruption? Please state it to the committee.

Answer. Well, sir, as the court was in session last spring, two men in disguise rode through the streets, and as they rode through there was a great deal of noise and hallooing, so much so that I called on the sheriff to go below and arrest the parties, and the reply was that he was unable to arrest them. He said he would be resisted; and then I remarked that if order could not be restored, if the court had to be interrupted I would close the court and adjourn it; and I did so, and discharged the petty jury, and promptly called up the grand jury for the purpose of discharging them; but the noise soon ceased, and as I learned that it was only two persons who had passed through, I revoked the order and made the petty jury take their seats again, and proceeded with the case on trial. No, I believe I called up the grand jury first, and as I was talking to them and about discharging them, I ascertained the fact that there were but two persons; and the noise having ceased, I caused the grand jury to return to their room to proceed with their investigation, and recalled the petty jury and put them back in the box, and went on without further interruption. That was about the fact in regard to it. I should not have discharged them so promptly, or if I had not had some reason to believe that there was going to be a general demonstration of the Klan that night. It was said in my presence in the morning that the Ku-Klux were to make a demonstration that night in force, and when these two rode through, I saw them from where I was sitting, through the court-house window, a hundred yards off; I supposed they were merely the advance of a large body, but it turned out that there were no others engaged. I attached very little importance to it after I ascertained the fact.

Question. Do you know what the object of that demonstration was to be?

Answer. I do not know anything more than to show off, as they have done once or twice before at Fayette.

Question. While you were holding court?

Answer. Yes, sir; but on the previous occasions, after night, when court was not in session. The first demonstration was about two or three years ago.

Question. Do you think this proposed demonstration had any connection with the administration of justice in your court, to bring to bear any influence?

Answer. Yes, sir; I think the demonstration two years ago was to have an influence upon the court and upon the grand jury which was then sitting. It was immediately after the passage of this law, and I had charged the grand jury.

By the CHAIRMAN:

Question. The act of December, 1868?

Answer. Yes, sir. I think it was the spring of 1869. I had called the attention of the grand jury to this law, and urged upon them the importance of enforcing it, and that night, Monday night, they appeared in force.

By Mr. RICE:

Question. About how many?

Answer. Some said sixty or fifty; but there were not more than twenty. They were counted by a reliable man, and I was told afterward that there were twenty to twenty-five that night. That was evidently intended, I think, to operate both upon the court and the grand jury; but so far from its having the effect intended, it had just the contrary

effect, because it made the grand jury much more vigilant than they probably would otherwise have been, and it had no influence on me one way or the other.

By Mr. BUCKLEY:

Question. What were the circumstances connected with the second demonstration?

Answer. I said "one or two." They merely rode into town, and rode through, and rode out of town. And then the demonstration, also, that I spoke of, last spring—those are the only times they have appeared there during court, although nearly every court I have held there reports would be circulated that they were to appear some time during court; but they did not appear.

Question. Have you heard of their riding while you have been in the county?

Answer. Yes, sir; they have been out on frequent rides in Fayette County; that is the report; I have no doubt of it.

Question. Have you ever heard that a party of disguised men came into Fayette, and went in the court-house and held a convention there for the purpose of nominating county officers, and that disguised men and citizens went together into the court house and attended that convention?

Answer. That was developed upon the trial held there during the last term of court.

Question. Will you please state the facts to the committee?

Answer. It was proved on the trial—the same case which was very remotely connected with that circumstance—that, I think, last February a body of disguised men came in the evening and held a convention, or something of the kind, in the court-house, or nominated the candidates. That was the way it was developed on the trial. But I understood one of the men who was in that meeting to say, after that, speaking to me about it, that they did not hold their meeting in disguise: that their disguises were all taken off; but that they came into town in disguise, there is no question.

Question. Is there any question that they went into the court-house in disguise?

Answer. I think the evidence showed that they went into the court-house in disguise. I think that was the meeting at which the nominations were made.

By the CHAIRMAN:

Question. Was that a democratic convention?

Answer. Well, sir, they nominated a democrat for the office of superintendent, if it was at that meeting; I am not sure that that was the meeting when they nominated him, but I incline to think it was.

By Mr. BUCKLEY:

Question. Have you any knowledge that witnesses against parties committing these outrages have ever been driven off or injured in any way?

Answer. No, sir; I only know that they are gone. I only know that the subpœnas were returned executed, but the witnesses did not appear in court, and it was said that they had left the State.

Question. How do you account for their leaving?

Answer. I do not know, except that they had said they were afraid to testify.

Question. Have you reason to believe, judge, that it is true?

Answer. Yes, sir; I believe myself that the negroes—it was generally upon negro testimony—and I believe that they were afraid to stay and testify. I allude particularly to Fayette County; I do not know that it has occurred in any other county; in Fayette County that occurred, and the men against whom they testified were very bad men, and I have no doubt they were afraid to appear and testify; they feared some personal violence afterward; at least that is my information, and I think it is true.

Question. That same fear, I understood you to say, operated on members of the grand jury?

Answer. No, sir; I do not know that it did on members of the grand jury.

Question. There is a reluctance to disclose all they know, is there not, in the grand jury?

Answer. No, sir; I do not know that there is any reluctance on the part of the grand jury to disclose anything they may know, or in finding bills, if they have the evidence. The difficulty is to get the testimony. The witnesses either leave the State before the grand jury sits, or else they cannot be found when the court is in session. I believe that the grand juries in any county, if they could get the evidence, would find the bills. I have no reason to believe the contrary.

Question. I have noticed that in reporting the outrages in the different counties you have reported but few in counties where the population was almost exclusively white, but in other counties, where the colored population increases in numbers, the outrages increase. Do you account for these additional outrages from the fact that the colored people are there and both races are together? In Jefferson and Tuscaloosa, I understood you to say, more outrages have taken place than in any other counties.

Answer. No, sir; I think not—not in proportion to the color, certainly. I think there

are, or have been, more outrages in Fayette than any other county, in proportion to the colored population. In Tuscaloosa, at one time, as I have stated, there were a good many outrages committed, which I have enumerated heretofore; and in Walker County there have been a few outrages, but there are very few colored people in Walker County. There have been a few by disguised men, but only a few instances, in Walker County. I can only account for injuries on the colored people in Walker and Fayette upon the principle that they do not want the negro to remain there. They want an exclusively white population, because their political power amounts to nothing. I do not suppose they ever vote twenty-five. I do not think there are over fifty or sixty black voters in Walker County. There may be in Fayette County two or three hundred. In Sanford there are a good many. I have heard of very few outrages in Sanford, though, by disguised men. I am satisfied that in Walker, Sanford, and Fayette Counties, and, I may say, in my own county, any outrages which may have been committed on the colored population there have not grown out of any political feelings—that is, no disposition to prevent them from voting through violence; it is not to interfere with their right of voting; but I do not know how it may be in other sections of the State.

Question. What is your opinion in regard to Tuscaloosa in that respect?

Answer. Well, sir, I have no reason to suppose that it is so in Tuscaloosa. It is denied that these outrages are perpetrated from any such cause.

Question. From the returns in the different elections, would you think it had any political significance?

Answer. Well, sir, my opinion is that if the negro was left to vote just as he wanted to vote he would vote the republican ticket; or nine-tenths of them would do so. But, then, I think many of them are controlled, perhaps, by the advice and persuasion of the persons with whom they live, and not by any fear of violence or by intimidation.

Question. Is it not a fact that, after these outrages occurred there in Tuscaloosa County, the colored population of the county were very much depressed, disheartened, and intimidated?

Answer. Yes, sir; that is true.

Question. Is it not a fact that they had reason to feel very insecure?

Answer. Yes; because there were several killed there, and there seemed to be a great deal of feeling against them at one time.

Question. They had reason to be apprehensive of danger for their personal safety?

Answer. I do not know that the mass had reason to fear; but the prominent ones among them had some reason to fear violence.

By the CHAIRMAN:

Question. You have heard of colored representatives in the legislature being murdered, have you not—not, perhaps, in your immediate section of the State?

Answer. I do not know whether I have. Perhaps I may have heard it. I don't remember now whether I have heard of any colored member being murdered or not.

Question. You have heard of Judge Charlton's murder, have you not?

Answer. Yes, sir.

Question. Have you not heard that attributed to political causes?

Answer. No, sir. My information is that that grew out of a private feud. That is my information on that subject. I know there was a private feud; at least I have very good evidence that there was a private feud existing between Charlton and some other persons in the county. It was a private feud originating in politics.

Question. Do you know that he had made efforts, as foreman of the grand jury, to put down this organization?

Answer. No, sir. That is so far out, and there is so little intercourse with my section, I do not think I ever heard anything of the sort.

Question. I recall the interruption in your court last spring at Fayetteville, the riding into town of men in disguise, and the noise and tumult created. Will you define the character of that tumult; was it applause in welcoming these two men and the shouts of the people?

Answer. Well, it was just a shouting and hallooing that would proceed from a parcel of men who had seen something unnatural or unusual passing through the streets. It was late in the evening, and they rode through. There had been a good deal of drinking, and they rode through in a fancy red disguise. As they rode in there was a good deal of noise, so much so as to interrupt the court very materially.

Question. Did the tumult seem to be applause or alarm?

Answer. I was not near enough to see that. It was just shouting and hallooing. I was in the court-house, and this occurred some hundred yards off. I could not see the persons at all who were making the noise. It was a good deal such a shout as occurred when the Federal soldiers came in there at the last term of court. I do not know whether it was approval, or what. Now, the first appearance of the Ku-Klux at Fayette was, no doubt, as I have already said, intended to intimidate both the court and

the grand jury from the enforcement of this law; but it had so little effect that it was never attempted afterwards.

Question. If these organizations have their friends and abettors and sympathizers, is it not possible that some of these friends may find their way, unknown to you, upon the grand and petty juries of your courts?

Answer. O, if the organization exists, I have very little doubt of that. If it exists to the extent that I have some reason to believe it has existed, I have very little doubt that I have had both grand and petty juries to consist of them in part.

Question. Do you employ any tests or means by which to weed them out, if they are there?

Answer. No, sir; we provide no other tests than those provided by law.

Question. That is, simply their general qualifications and the oath which they take?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Have you ever known a verdict of a jury that you thought was influenced by men who belong to the Klan?

Answer. I cannot say that I have. I have known juries in these things, as well as many others, to find verdicts that I thought were contrary to the evidence, and contrary to the charge of the court. I could not say that I believed that the verdict of any jury was controlled by men belonging to that organization being on the jury.

By Mr. BLAIR:

Question. Judge, you spoke of a combination of persons in a certain precinct in Jefferson County, which was unanimously republican, for the purpose of driving or keeping negroes out of that part of the country?

Answer. Yes, sir; I stated this as a reason why I did not think that in my county this organization was a political organization. In one precinct in my county, which was unanimously republican in the last presidential election, I have been informed that an organization of disguised men, Ku-Klux organization, in other words, existed, and that its object was to keep that precinct exclusively white; that colored men were not allowed to live in it. That is my information in regard to it, and I was very much surprised to hear that this was the case when I heard of it. Whether it is true or not, I do not know; although I am inclined to think it is.

Question. You spoke of this organization as consisting of young men of that particular precinct?

Answer. Yes, sir.

Question. Whose fathers were much opposed to it?

Answer. Yes, sir; they would oppose anything of the kind if it was known to them.

Question. For that reason you think this Ku-Klux organization is without any political significance in your part of the country?

Answer. In that portion of my State it is so; in that portion to which I have just alluded, and I think it is generally so through that section of the country.

Question. Is not that the case in Winston County?

Answer. There are no Ku-Klux in Winston. I never heard of any.

Question. But are not the people there opposed to the intrusion of negroes among them?

Answer. Yes, sir.

Question. The entire body of people, irrespective of party affiliation?

Answer. There may be some parts of the county where they have got good land, and I think there are some few, would like to have them; but I think the great body of the people in Winston County would be averse to having negroes settle in the county.

Question. It has been given in testimony before the committee that in that county of Winston, which was largely republican, and voted largely for General Grant in the presidental election, they prevented negroes from voting in the county, and would not let them vote?

Answer. I do not think there are any there to vote; if there are, I never saw any of them, and I have been going there two or three years. There may be a few, but not a dozen in the county. There may be more. I hardly think there are twenty negro voters in the county. I wish I had the census here to ascertain. I would as soon as think that if one attempted to vote there they would be as apt to keep him from voting there as anywhere else.

Question. This feeling in the mountain counties, especially of Alabama, is not confined to any party?

Answer. No, sir. I think it is more personal than it is political.

Question. That they are averse to having the negro among them, or having any political equality with him?

Answer. They are nearly all in favor of colonizing them—a system of colonization. They do not want them among them.

By Mr. BUCKLEY:

Question. I see by the census of 1866, taken under State authority, that they had 14 males in Winston County.

Answer. I think there could not be many. Half of them are not probably voters.

By Mr. BLAIR:

Question. Do you know the party affiliations of any of these white people of whom you have spoken, who committed outrages on negroes in your circuit?

Answer. If I were certain as to the men, I could speak pretty certainly as to their party affiliations; but as I am not certain as to the men, of course I cannot speak certainly on that subject.

Question. From your testimony it will appear that the class of persons by whom these outrages are committed are generally men without property, and of little standing in the community?

Answer. Yes, sir; I think so.

Question. Do not these persons generally, wherever they are found in this State, whether in the large negro counties or in the mountain counties, entertain and hold the same opinions as the mountain men generally on that subject of negro equality?

Answer. Yes, sir; that class of men, wherever found, entertain pretty much the same opinions, whether it is in one locality or the other.

Question. In speaking of the planters who live in the large negro counties, where there are a great number of negroes, these men of whom you have spoken as desirous of retaining the negro in their midst for the purpose of getting his services, are distinct, as a class, from the others; and the poor white people, some of whom live in these counties, hold the opinions of the poor class of whites in the mountain counties?

Answer. Yes, sir; there is scarcely any county in the State where there is not the landholder, who was formerly a large slaveholder, and who desires to retain this labor in the country to cultivate the land; and these poorer classes, who never owned slaves or had much property, and who would much prefer to have the negro out of the country.

Question. As a general thing, old slaveholders treat the negroes kindly?

Answer. Yes, sir.

Question. You have scarcely ever heard an instance to the contrary?

Answer. No, sir; I think they are far more kind to them than those who never owned them.

By Mr. BUCKLEY:

Question. Is not that very natural?

Answer. Yes, sir; that is very natural, and I think the negro would be very much disposed to reside with his old owner as before, and would do so in many cases if permitted to do so, but many men are operating upon them. Where labor is scarce they are trying to entice negroes from one place to another, and that produces difficulties.

By Mr. BLAIR:

Question. In all these cases which you have enumerated, which have occurred in the several counties of your district, is there a single one of them, that you remember, in which a political cause was assigned for any outrage upon the negroes?

Answer. No, sir; none in which that was assigned as the cause. They have generally assigned some other cause in all the cases I have reference to, except the one in which the county was sued. The testimony of the negro was that they asked him, as they were whipping him, whether he had not voted the radical ticket; that is the only case in which I have ever heard that political considerations were the cause of the outrages.

Question. In the other cases some crime or theft, or something of that sort, was alleged against the negro?

Answer. Yes, sir; some crime or something else that had no connection with politics. Sometimes it was impudence, sometimes threats, sometimes one thing, sometimes another.

Question. In those cases in which indictments have been found, did the evidence show that the parties inflicting this punishment had any political cause?

Answer. No, sir; none except the one I referred to. I have never tried any case where any injury has been inflicted upon a colored man by a white man where it appeared from the evidence that it was caused by his political opinions.

Question. Did you hear of any outrages committed against negroes by an organization in that precinct of Jefferson County, where you said there was an organization to prevent them from coming among them?

Answer. Yes, sir; I heard that one negro was whipped in that precinct.

Question. Was he driven out?

Answer. I am not sure whether he was. I think he left that neighborhood and went into another; I know he is in another now. I think he left there.

Question. Was that the object of whipping him?

Answer. No, sir; the object alleged for whipping him was that he had been stealing cotton.

Question. Is that one of the cases of whipping to which you alluded in your direct testimony?

Answer. Yes, sir; that was one of the cases of outrage by whipping in Jefferson County, but I do not think that these persons, to whom I have reference, whipped him. I think he was whipped by a different person, because the cotton was stolen in Walker County. The negro was tried before me for stealing the cotton, and was acquitted upon some technicality, I forget what exactly. The only way I know he was whipped was, the old man who had raised him, and took a great interest in him after he was indicted, urged that he had already been tried by the Ku-Klux and whipped, and that was enough, and he ought to be let off.

By Mr. RICE:

Question. Was that the defense—that he had been put in jeopardy once?

Answer. No, sir; but the old man had a great sympathy for him. There was a variance between the proof and the indictment, and that saved him. Another man stole the cotton.

By Mr. BLAIR:

Question. Has there been a great deal of theft and depredation upon cotton and stock, and corruption generally?

Answer. No, sir; not in my section. There is said to be a good deal in this country, where there are so many negroes, but in my section there are comparatively so few negroes that there is very little of the kind; not more so than before the war.

Question. You spoke of some white men who were whipped—one in particular, who was whipped because he did not believe that there was a virtuous woman in the community.

Answer. That was what was said.

Question. Were there other cases of violence and outrage perpetrated upon white men in your circuit which have come before you for adjudication?

Answer. No, sir; I do not think there has been any trial before me for outrages committed upon white persons by disguised men. There may have been some outrages of that kind, but they have not been able to discover who the parties were who committed the outrages. I believe that the outrages upon white men have been principally confined to my own county.

Question. What was the alleged cause?

Answer. Some crime; something; I don't know what.

Question. No politics?

Answer. No, sir; I do not think so; that was not the avowed object. What the real object was I cannot pretend to say.

Question. Was that alleged in any case?

Answer. No, sir; in fact I do not know what the politics of the whipped people were, except in one case.

By Mr. RICE:

Question. This fellow who did not believe there was any virtuous woman was a democrat, was he not?

Answer. I do not know; he is a new man, and came when I was not there. He was whipped and ran off, all in a very short time.

By Mr. BLAIR:

Question. You say Crossland was killed by a man not in disguise?

Answer. He was waylaid on the road; that was in 1868. That killing took place probably in November, 1868. He was waylaid and killed by some unknown person; not supposed to have been by any band of disguised men.

By Mr. BUCKLEY:

Question. Was it not thought he was killed on account of his politics?

Answer. Yes, sir; that was the impression.

By Mr. BLAIR:

Question. It was not known whether he was killed by a party of disguised men? You say a man was with him at the time.

Answer. Yes, sir; a man was riding with him at the time, and he was also shot. I say it was supposed it was on account of his politics—charged by some: others denied that, though. I believe myself, from what I have been able to gather, that it was on account of his politics.

By Mr. BUCKLEY:

Question. You never heard any other cause assigned than politics?

Answer. Yes, sir; I have heard another cause assigned.

By Mr. BLAIR:

Question. What was that cause?

Answer. It was some personal feud that existed between him and some of his neighbors; but that cause I do not think was generally credited. I think the other was the generally accredited cause.

Question. What evidence was there of that?

Answer. There was no other evidence except he had been elected a member of the legislature in 1868, and there was a great deal of feeling at the time against all parties elected under the constitution of 1868.

By Mr. BUCKLEY:

Question. He was on his way to the legislature?

Answer. Yes, sir—said to be; he had started on his way to the legislature. This was the mere supposed cause; no one knows the real cause. That is the only instance that I know of in which I have any reason to believe it was on account of political influence.

By Mr. BLAIR:

Question. You spoke of a white man who was killed by negroes, who were pursued and killed themselves; what white man was that?

Answer. Finley. That occurred in Tuscaloosa.

Question. When was he supposed to have been killed by negroes?

Answer. That occurred at the house. Young Samuel was killed in disguise.

Question. I am speaking of a young man named Finley.

Answer. O, yes; he was not pursued by the negroes; the killing occurred at the negro's house, and Finley's friends pursued the negroes after the negroes had pursued Finley. There was more than one of the negroes killed who were supposed to have been concerned in it. I could state all the circumstances that have been related to me, if it is necessary, in regard to that.

By Mr. RICE:

Question. You had better state them.

Answer. Well, a difficulty occurred, about almost nothing, between Finley and the negro at the negro's house, and in the difficulty I think Finley was killed. That aroused considerable feeling against the negroes who lived there, and they ran off, and they were caught; one of them was caught and put in jail, and, I think, taken out and killed; and one or two others were killed. That had no connection with politics, of course, though; it was merely personal.

By Mr. BUCKLEY:

Question. Do you know any other jail deliveries in your circuit, where persons have been taken out of jail by parties of disguised men?

Answer. Yes, sir; plenty of them have been turned out and loosed and run off. Jail-breaking is a common thing.

Question. Do you mean by bands in disguise?

Answer. No, sir; their friends would take them out, and help them to break out, and they would be found to be gone. In most cases they were taken out by their friends. The jails have been broken open, and their friends have aided them to escape.

Question. In what counties has that occurred?

Answer. It has occurred in my county—Jefferson—more frequently than any other. There has been some jail-breaking in Tuscaloosa; there has been some in Sanford; there have been one or two in Sanford, and in Marion, and in Walker, and in all the counties except Winston; they have not had any jail there since the war.

By the CHAIRMAN:

Question. Have you known of any negro school houses being burned, or of the teachers of negro schools being driven away?

Answer. I have heard of such things.

Question. Did that arise from prejudice against colored schools?

Answer. It arose from prejudice against white persons teaching colored schools.

By Mr. RICE:

Question. Between 1865 and the time the reconstruction laws took effect, did these poor white men you have spoken of manifest any prejudice against the colored race? Up to the time the negroes took a part in politics, was there any manifestation by these poor white men?

Answer. I think at all times—slavery times and all—there has been a prejudice existing.

Question. But did they manifest it in outrages upon them during that period?
Answer. No; I do not remember that they did. I do not remember that there were any outrages committed during that period.

By Mr. BUCKLEY:

Question. You were judge of this same circuit during that time?
Answer. Yes, sir. I do not remember of any before that time.

By Mr. BLAIR:

Question. You spoke of certain parties interfering with the laborers on the plantations; who are they? What class of persons interfered with the laborers who had contracted to work?
Answer. I know that merely from information; that planters complain that their labor is interfered with by other persons, that is, persons who interfere to break up their contracts and get their laborers dissatisfied. I could not enumerate any instances myself, except I have heard a general complaint on that subject.
Question. Is it not complained that these carpet-bag politicians interfere between the laborers and those who employ them?
Answer. No; it is not confined to them; it is confined to those who own plantations and want the laborers. I think the carpet-baggers are more after offices than laborers.
Question. Do they not keep the laborers from work, calling them to meetings and haranguing them, and thus deprive the planter of their labor when it is essential?
Answer. We do not have any carpet-baggers with us at all. I do not know how it is here.
Question. That country is rather too poor?
Answer. Yes, sir; I suppose so; it may be different down here.

By Mr. RICE:

Question. This conflict of labor, or this interference with labor, is the desire of one planter to get another's laborers?
Answer. Yes, sir; from another planter. I do not have any reference to their being killed off. I do not know anything about that.

By Mr. BUCKLEY:

Question. Then the outrages you have mentioned in your judicial circuit cannot be ascribed to that class of men?
Answer. No, sir; not to carpet-baggers; they did not have anything to do with it.

By Mr. BLAIR:

Question. You express the opinion that nine-tenths of the people are opposed to all this lawlessness?
Answer. I think so, judging from what they say. I know that they are engaged in, and that they are perpetrated, by but a very few men.
Question. Do you not know the character of the men of whom you speak, and have you confidence in what they say, that they are opposed to it?
Answer. Yes; I think they are; that the great body of the people are opposed to it, and would like to see it suppressed; and I think there is a greater determination on the part of the people to suppress it than ever before.
Question. As a general thing, what is the condition of affairs in your circuit?
Answer. The condition of affairs in my circuit is as quiet as could be expected—as quiet, probably, as before the war.
Question. Judge, do you think it possible that such a revolution in the condition of the affairs of the people could have taken place in any country without creating a disturbance? That the revolution from the condition of a slave-holding community to that of a non-slave-holding community, and the placing of the slaves upon an equality with their former masters, against their will, and by an outside power—that such a revolution thus created could have occurred in the history of any people without creating disorder??
Answer. No; I think it very natural that there should have been very great disorders; it was natural, and it is the fact that bad men have taken advantage of the condition of things and have committed these outrages.
Question. Do you not consider it a very remarkable instance of the forbearance of this people that they have submitted as cheerfully as they have to this change, brought about in the way in which it was brought about?
Answer. Put that question again.
Question. Do you not think it a very remarkable instance of the forbearance of the people that this change could have been wrought in the way and by the means in which it was wrought; that they should have restrained themselves as much as they have, under all the circumstances?
Answer. I think this is about that: I think that the great mass of the people, as I have already said, have shown a disposition to acquiesce in the order of things much

better than might have reasonably been expected under all the circumstances. They were very much irritated, you know, at these reconstruction measures; but I do not know that I should say it is anything very strange that they should have shown as much forbearance as they have done. I am satisfied that they would not have shown the forbearance that they have if they could have seen that they could have resisted successfully. I think that the people here, if they had believed that these things could have ben resisted successfully, would have preferred that they should not have been put upon them. I do not mean forcible resistance, of course; but there was great aversion and great opposition to the reconstruction measures, and they submit to them because they believe it is best for themselves and the country that they should do so; not as a matter of choice, but as a matter about which they cannot help themselves. I think that is the general feeling.

By Mr. BUCKLEY:

Question. Do you think the two races in Alabama, being nearly equally divided here, can live peaceably together in any other way except upon the basis of civil and political equality?

Answer. I think they cannot do it now; I think it is to the interest of both the blacks and whites that they should acquiesce in the present condition of things. I do not think it possible that they could be changed without producing great injury to the country, both to blacks and whites. I think that is the general opinion, too; I do not think that our people would have any disposition to change it now. But I think that they were very much averse to being forced to submit to it.

By the CHAIRMAN:

Question. After the close of the war was there any animosity felt toward the colored people because so large a number of their fighting men had entered the Union Army, and fought in many instances against their former masters?

Answer. No; I do not think there was any feeling against the negro on that account.

Question. Is it within your knowledge that any portion of the colored men entered the Union Army from that part of Alabama where you lived?

Answer. If any, very few, from that section. The negroes in my section remained on their plantations until after Wilson's raid; then large numbers left. When he passed through our country large numbers went off with him.

Question. Did they join the Army?

Answer. Some of them, I suppose, did.

Question. Did such men return to their former homes?

Answer. Some did.

Question. Was there any feeling manifested against such as had joined the Army and returned?

Answer. No, sir.

Question. So you do not think there was any feeling of animosity engendered against the colored race on account of the fact that so many of them did join the Union Army, and assist in putting down the rebellion?

Answer. Not in my section. I do not know how it was at other points.

By Mr. BLAIR:

Question. Was it not the case generally throughout the South that the colored men remained absolutely faithful, and served their masters throughout the war?

Answer. Yes, sir.

Question. And the feeling was one rather of gratitude to them for this service?

Answer. O, yes; there was no feeling against the negro at all, until after or about the time of the passage of the reconstruction acts. There was always great kindness felt for the negro by his former master, except by the class of people I have alluded to, and that has always existed on the part of that class toward them.

By the CHAIRMAN:

Question. The Army statistics show that about 168,000 colored soldiers were enlisted in the Union Army. How large a proportion of that number came from the slave States, of course, I do not know. What I wish to get at is, whether there was any feeling existing against such as had been enlisted in the insurrectionary States, and who afterward returned to their homes?

Answer. None that I know of, sir.

By Mr. BUCKLEY:

Question. I notice by reference to official returns that in that election of 1868, in Tuscaloosa County, General Grant received 1,167 votes; Seymour received 1,383; and in the last election for governor the republican vote was 773, and the democratic vote 1,862. Now, I desire to ask if you do not think that the murder of Crossland and other outrages and violence in that county had a great deal to do in bringing about the result of that change of vote?

Answer. No, sir; I think that might be accounted for upon other principles and upon some other supposition than that. It might be accounted for upon this principle: There was a great deal of interest taken in that last election in some counties, and those who had the negroes employed used more argument and used more persuasion, I suppose. They say so. I had no information that any violence was used toward them. But they account for it upon the ground that the feeling of the negro toward the democratic party had, to some extent, been counteracted—the former feeling against the democratic party—and that they had come to believe that the democrats would not be so bad, if put in office, as had been represented; that is the way in which it was accounted for. I do not think these acts of violence had any effect to change their vote.

Question. Would it not, naturally, make them disheartened and timid?

Answer. No; I think not. Take the city of Tuscaloosa, and I think probably the republican vote was as large in the city of Tuscaloosa——

By Mr. RICE:

Question. Where they were entirely safe?

Answer. Yes, sir; they almost all went to Tuscaloosa.

By Mr. BUCKLEY:

Question. They went there because it was safer to vote there, did they not?

Answer. I do not know.

By Mr. BLAIR:

Question. Did they not go there because their managers wanted them there to control them?

Answer. All I can state is the fact. You are as able as I am to judge of the cause of it. The fact is, the most of them voted at the city of Tuscaloosa. It may be because they felt more secure, or because they were advised to come by those who wanted their votes. I have no doubt that the republican candidates thought if they brought them to the polls they would have a much better chance of getting their votes than if they let them vote where their employers were; because, in Tuscaloosa, the whites were almost entirely democratic and the republicans were colored men.

By Mr. BUCKLEY:

Question. Three of the counties in your circuit join Pickens County?

Answer. Yes, sir.

Question. Do you know anything of the condition of Pickens County?

Answer. No, sir; I have not been in the county for some time. I do not know how it is.

LIVINGSTON, ALABAMA, *November* 2, 1871.

REUBEN A. MERIDITH sworn and examined.

By the CHAIRMAN:

Question. Please to state where you reside and what is your occupation.

Answer. I reside in Gainesville, Sumter County, Alabama; my occupation is attorney at law.

Question. How long have you lived in Sumter County?

Answer. About thirty-three years.

Question Are you a native of Alabama?

Answer. No, sir; I was born in the State of Virginia, ten miles north of Richmond, and resided there till I was about nineteen years old.

Question. The committee desire to learn from you the condition of society in this part of the country, as to peace and good order and the observance of the law, and how far the rights of person and property are protected. You may make any general statement you may desire on that subject.

Answer. There has been great disorganization in society here in the last five years in the mass of the people generally. It has been very much disorganized, and there have been considerable outrages committed, and an indisposition to hold terms of courts and to have the law executed. There have been some terms that were not held here that ought to have been.

Question. What is the character of the lawlessness of which you speak?

Answer. It generally exhibits itself about midnight; all that I have seen or heard of, or know anything about, midnight assassinations, &c., outrages, and lawlessness of all kinds in the late hours of the night.

Question. Are these acts of individual violence, or are they committed by bands of armed men?

Answer. In all that I have ever known they generally went in company. There were bands of from a dozen to two or three dozen, or four dozen, from twenty to fifty, and along there.

Question. How long has this state of things continued in Sumter County?

Answer. It has been existing here for the last three years; and very prevalent last year (1870) in Sumter County.

Question. Who were generally the victims of the outrages committed?

Answer. Well, sir, sometimes colored persons and sometimes white persons, I have heard of.

Question. What was the occasion or pretext for the infliction of punishment?

Answer. Well, I don't know; sometimes one thing and sometimes another. If they heard of a negro saying something that would produce any trouble, or anything that did not suit them, some of the neighbors would jump around and fix up to kill him. They would have different pretexts.

Question. Had the politics of the persons visited and punished anything to do with their punishment?

Answer. I think it has, sir, very much. I never hear of them running around and making an example or victim of a democrat, one of these secesh, a good secesh democrat; if anything, he is generally protected; but that class they call "damned radicals" have generally been the victims, colored and white.

Question. Can you give, from your own knowledge, or from such information as you deem reliable, any instances or examples of this lawlessness of which you speak?

Answer. Last summer, about the middle of August, I was down at this place for the purpose of aiding in holding a republican convention to nominate county officers.

Question. State what transpired.

Answer. I arrived here about an hour by sun in the afternoon, on the 12th of August, 1870, and came along in front of the court-house door, and found two of my old friends there, Judge George B. Sanders, the deputy clerk here, and Major Edward Herndon, clerk of the circuit court. He was register in chancery then; not then clerk. This man Sanders was a deputy to Price. Herndon had not been appointed then. I met with a friend of mine, and he and I came from the depot and passed along and found them sitting on the steps, and I proposed that we go over to the grocery and take a little toddy to warm us up, or keep us cool; it was a hot afternoon. We went over there and got our drinks and came out, and as I came out about the middle of the street I met an old acquaintance, a brother lawyer, who lived here in Livingston, named Mr. Little. He spoke to me and asked me if I had seen Judge Reavis, one of my townsmen and brother lawyers, whom I have known for a long time very well. I told him I had not. He said he wanted to see me; Mr. Little said Judge Reavis wanted to see me. I asked, "Where is he?" He said, "Around in front of the court-house yard." I went around that way and found Judge Reavis and Mr. Ed. Smith, one of our attorneys here. Judge Reavis commenced telling him about some negroes, the negro delegates from the upper part of the county, coming down here to that convention with arms. He said there were two hundred negroes camped out about a mile from town, out on the Gainesville road, armed, and there would be some difficulty. He had got some telegrams from Gainesville that morning. I had left Gainesville about daybreak in the cars, and I had not heard of such a thing, and was very much surprised to hear it. I told him I didn't know they were bringing their arms, and there must be a mistake about it—their coming armed to a convention. He said it was all true. Some of the citizens here sent the sheriff out to inquire about it. That was about night. I went up with an old friend I met at the depot, and staid all night with him, and came down town next morning, about 8 or 9 o'clock. We had notice from Judge Joshua Morse, then attorney general of the State of Alabama, that he would be here to make a speech, and that Major Hays would be here, our Congressman, and some other republican speakers; and I came down for the purpose of conferring with them, and hearing the speakers and attending to that convention too. The clerk, Daniel Price, who was executive officer, had called the convention. I came down in obedience to the call, but I had no intimation, and never heard of such a thing as any of them bringing arms till I got here on the afternoon of the 12th and met Judge Reavis, my old neighbor and friend, and a brother lawyer from Gainesville; and I was very much surprised at it. Coming down next morning after breakfast, I and my friend that I staid with heard them talking. I came up to the public office, and some citizens came around and began to tell about telegrams which had been received; that Major Hays had two hundred armed negroes he was going to bring over here that day; that he had gathered up two hundred negroes and told them he had plenty of whisky here for them, and they must bring their arms on that day to the town of Livingston, where this convention was to be held—Major Hays lives in Greene—that they had received these telegrams. I told them that I didn't believe anything of that; that I knew Major Hays better than that, and I thought they ought to have known him better; they had known him some time; that he had a good deal better sense than to do that. One of them said they had a telegram from somebody that had been passing down the river that night, that

he had seen some armed men on the landing of the river as he passed down, between Demopolis and Trussell's Ferry, or somewhere down there. But they raised a great hubbub. They telegraphed from here to Meridian and Eutaw, as I heard, and brought in a large re-enforcement of men here that day, the 13th. About 11 o'clock I saw this town full of men, with double-barreled shot-guns, riding about the streets, depositing their guns. I saw several deposited myself in Mr. Little's office. I was over there about 11 o'clock; some of my Gainesville acquaintances came in with their guns, and there was an apprehension that there would be some insurrection among the negroes; that they were bringing their arms down here to create some great trouble with the whites, of which I did not have any apprehension myself. After I got through with the probate office, where I staid an hour or two, I went over to Billy Little's office and saw Reavis and Frank Snedicor and other old acquaintances. I left Mr. Little's office and came over here to the court-house, where I had some acquaintances—the tax-assessor, register in chancery, and register's clerk, and deputy circuit clerk—four or five of my acquaintances—and I came over to the court-house with them and sat around here. It was a hot day, and we got into the shade and passages together. I noticed these men coming in from all around the country. I saw about twenty or twenty-five negroes around the square, but I did not see any guns; no gun was brought about the court-house yard that day by them. About 10 or 11 o'clock Reavis and Snedicor came over here into the sheriff's office and told me the report they heard about Hays bringing these armed negroes. I knew they were well acquainted with Charlie Hays; and I said, "Gentlemen, there can't be a gun brought into the court-house yard to-day. I will see to that, or I will have other men to see that no gun is brought into this court-house yard by negroes. You ought to know Charlie Hays well enough to know he would not do any such thing. I know him very well, and you do too; and that he has better sense than that; that he is a different sort of a man from that; and he does not want to stir up any insurrectionary movement." But they seemed excited, and had heard this tale about his bringing the negroes, and giving them whisky, and that he was going to slay and slaughter and play hell generally, and there was great excitement. I remained here till about dinner-time—12 o'clock—and my friend and I went up to dinner. About that time—about 12 o'clock—before starting off, I saw about two hundred armed men on horseback with double-barreled guns riding about this court-house yard and taking the Gainesville road.

By Mr. BUCKLEY:

Question. White men?

Answer. Yes, sir; white men with double-barreled guns, and a good many white men followed on after them. We were sitting over here, and had not heard anything that was going on, and did not know what that meant; but Sanders, I believe, said he would go out and see what was the meaning of that. He went out in the court-house yard here, and met some of his friends, and inquired about it, and came back and reported that the furor originated in the fact that they had heard of some negro buying a bag of buck-shot over here at these stores, and taking it off; and they had taken the road toward Gainesville, going north from this place, and they were following after him to capture him and otherwise give him what they thought would be his deserts—the punishment they wanted to give him, I suppose. They had heard he had bought a bag of buck-shot, and they thought that indicated war, probably a very severe war. They rode down that road or up that road. I and my friends went to dinner. I remained there till about the middle of the afternoon. After I got through dinner, I laid down and took a nap. About 2 or 3 o'clock I heard some firing of guns up along the road there. I inquired about matters, what was going on, &c. They told me that this crowd I had seen riding about on horseback, two hundred or three hundred, with guns, had captured some negroes up there with guns; had taken the guns from them, and found some buck-shot with them; that they were making their way off, the negroes running off every way. The negroes made no demonstration whatever. Well, the consequence was, there was no republican meeting held at that time. The republican party here made an effort, a week or so afterward, to hold a meeting here; the Union republican party made an effort to hold a meeting, but we found it would be frustrated and broken up, like that one of the 13th of August, and there was no use in trying it. We did not have any county nominations made in the county-seat by the regular republican convention. We could not hold it. Well, some short time after that—a week or ten days, I believe, sir—some time in the latter part of August, not more than ten days after that spree, when that convention was called to meet here, I heard one night—I had been in bed early, and I had taken a nap of two or three hours, I believe it was about 1 o'clock—between 12 and 1 I wakened up from my nap, and was lying awake, and I heard some guns fired about three-quarters of a mile off on the opposite hill to where I lived; I reckon about a dozen or so. I thought I heard some on another hill, in a different direction. It is a hilly town. I could tell from the direction of the sound what part of the town it was in. I happened to be awake, and just out of my nap, and I thought, "There must be something up around here; I don't know what they are firing these

guns at this time of night for." I got up and got my gun, and took it in my hand, and walked to the end of my house to the window. My house fronts on the main street of the town—what they call State street. I looked out of the window. It was hot weather; I could not see anybody. I went out in the front porch, through the passage, into the porch, and looked all around. It was a bright, star-light night, and I could see three or four hundred yards in each direction, up and down. Some negroes had houses opposite to mine on the street—some negroes living opposite. I did not see any one or hear any one; could not see a human being. I walked about with my gun, and thinks I, "If there is any game of that sort about to be played, I want to take a little hand myself"—there being a dozen or so guns fired off. I knew they were guns from the report; but I could not see anything, and I thought probably some rowdy boys of the town had been out late at night, and had nothing else to do but to pop off their guns and pistols—loud-sounding pistols; and I went back to bed. I did not see anything or hear anything. "All quiet in front." I had not turned into bed three minutes before I heard a loud rattling of a church bell about a quarter of a mile from my house; a colored church; they rung it terribly. Thinks I, "The negroes must have something out to-night, and I must try to see something about that;" and I got up and took another run, and stood sentry to my house, because I always want to have something to do with it when there's any such fun; if there is any popping to be done, I want to pop too. Well, I walked around in front of the porch, and looked around; I couldn't see anything. I heard the negro right opposite to me open his door and come out in front of his house. A minute after that another negro that lived a few hundred yards from me came down the side-walk and spoke with this negro I had heard come out of his house. He said, "John, the town is full of folks." I looked around to see where the folks were. I wanted to see some folks; but I couldn't see any one but these two negroes. I did not see anybody nor any trouble around, and after walking around there, and standing sentry fifteen minutes or so, not seeing anything, I became satisfied and went back to bed, and I went to sleep again. After that I did not hear any more noise. The next morning, as I was sitting out in my passage near the side-walk, a negro came along and says, "Them folks killed old man Burke last night." Burke was one of the colored representatives from the county of Sumter. Says I, "The devil they did! Who were they?" "I noticed there were a whole parcel ringing that bell last night, but I didn't know who they were." This man Burke was a representative in the legislature from Sumter. He had been elected in 1869, and was an old servant that used to belong to Judge Reavis, or Colonel Reavis, one of my old acquaintances. This negro came along and told me this tale. I went down about 9 o'clock, when the train came in, to the post-office, and met Judge Reavis. He commenced telling me about it. Judge Reavis's house and where this negro lived were but a short distance apart; there was a large gully between them; they were on two hills. He was telling this, and regretted it very much, and says he, "When they got after him last night, and jerked him out of bed, and run him down hill there, the poor fellow came over to my house for protection; but I could not protect him; I had no guns; I had given my guns to my servants to guard my premises." Says I, "Judge, who was that; do you know any one of them?" "No," he said; he had questioned some negroes that were in the crowd that went to them, and they said they couldn't tell who they were or where they came from. Judge Reavis seemed to regret it very much; this negro being his old slave, and running over to him for protection, he was very sorry he was shot down. He said he was riddled. In the morning he had brought him up with a dozen or more bullets in him. He brought him up to his house and buried him.

By the CHAIRMAN:

Question. Was it your information that these men were disguised who killed Burk?

Answer. No, I did not learn that they were disguised. Judge Reavis didn't say they were. He got it from some negroes that went down to see about them. I don't think they were disguised. They said they didn't know them.

Question. When did this occur?

Answer. Some time about the 20th or 25th of August. It was about ten days after this republican meeting was broken up here; about the 22d, 23d, or 24th of August, 1870. I happened to be awake and heard firing, and whenever anything of that sort happens around my premises I want to see it.

Question. Has it ever been discovered who the murderers of Burk were?

Answer. No, sir. I never heard that they were discovered.

Question. What efforts have been made to discover them?

Answer. I have never heard of any being made.

Question. Was there a coroner's inquest held over Burk?

Answer. Yes, sir.

Question. The same facts elicited that you have stated here?

Answer. I reckon so; I read so in the Gainesville paper; I reckon it was the Gainesville paper. It was printed there about that time.

Question. What was Burk's character?

Answer. He was a very peaceable negro, so far as I know. He was an old preacher. He had been preaching there a long time. When he was a slave of Judge Reavis's he used to preach in the Baptist church. I have heard him preach there many a time.

Question. Was there anything alleged against him except that he was a leader among his people and a prominent radical?

Answer. I have heard some say he was the one that instigated the negroes from the Warsaw beat to bring their guns when they came down to this convention. That was the excuse I heard some persons make for it.

Question. Did you investigate and ascertain how many negroes were on their way to the convention with arms in their hands?

Answer. The next morning—the sheriff went out there in the afternoon—I don't know but he went in the morning, too; I met him in the probate office, and he told me he found forty negroes out there with arms. Reavis had told me the evening before there were two hundred.

Question. And the sheriff reported forty?

Answer. Yes, sir; the next morning.

Question. Were they bringing their arms with them for any other purpose than to protect themselves in case they were attacked?

Answer. I think not. I did not talk with any of them, however, nor know anything of it. I never talked with them before that, nor since, in regard to carying these arms. It seemed the murder of this man, Burk, occurred from the fact that they had learned that he went up somewhere in the Warsaw beat, above Gainesville, and told these negroes to come down to this convention and bring their arms. That is what they accused him of. That was the excuse for killing him at midnight. I heard it; I don't know whether from one engaged in it, or not; but that was the public rumor around among people talking about it.

Question. Both attempts to hold conventions in 1870 failed, then?

Answer. Yes, sir; we could not hold one here.

Question. No nominations were made?

Answer. No, sir.

Question. Did this proceeding serve to intimidate the negroes?

Answer. Yes, sir; very much; that got the negroes so scared they did not know which way to turn, hardly. I was one of the candidates, and had some private meetings around, and conferred around. They put me up as one of the candidates for the legislature. I tried to get some of the negroes at Gainesville to circulate tickets for me just before the election. They told me they could not do it, for they were afraid—negroes that were acquainted around the country, and intelligent negroes, too.

Question. What did they say they were afraid of?

Answer. They said they were afraid some of the democrats would get hold of them, or the Ku-Klux.

Question. What is your opinion as to whether the negroes vote since that time with freedom at the elections?

Answer. I don't know, sir. I think they have been very much restrained from any freedom. I do not think they have any freedom about it. It may not be direct force or intimidation; but it is secret persuasion, or something of that kind. There may be some threats used about loss of places sometimes. I have heard of that; that if they did not vote so and so they would lose their places.

Question. Do you believe your information to be correct on that point?

Answer. Yes, sir; I am satisfied of that.

Question. That their employers have exercised such influences?

Answer. Yes, sir; they have them pretty well under their fingers, and can play upon them as a musical man can play upon a piano; and many negroes around there are afraid to vote except as their employers say. There can be no doubt about that. Anybody that knows the country knows that. It is no public thing; it is not done on the election ground at all; nothing of the sort is done there; but it is the undermining, the secret thing before, the plastic hand, used before the election comes on; of course, they would not exhibit anything of that sort, because it would make them amenable to the law, and so it isn't public.

Question. From your knowledge in regard to the matter, derived from your long settlement in the country, and your intercourse with the negroes, what ticket, in your opinion, would they vote if left entirely unrestrained and uninfluenced by fear?

Answer. The most, I think, would vote the republican ticket—the Union republican ticket. As an indication of something like cajolement or intimidation, at several boxes in Sumter County, where there were at least two hundred negroes voted, there was not a single republican vote polled; at two or three boxes in Sumter County, where two or three hundred votes were polled, a large negro vote, not a single republican vote was put in.

Question. How had the negroes voted in 1868 in these precincts?

Answer. They voted generally for Grant at the presidential election in 1868. They gave him a majority vote in the county of Sumter, and State of Alabama.

Question. You have spoken of the murder of Burke. Have you any knowledge or information of any other colored persons being murdered by bands of men, whether disguised or not?

Answer. No, sir, not particularly. There was a man taken out of jail here some short time ago and shot. I heard through the paper, some twelve months ago, that over in Eutaw a colored man was taken out and killed. I got that news only from the newspapers; I did not know anything of it myself.

Question. Do you know or have you heard of any instance where negroes have been whipped by bands of men?

Answer. I have heard of such cases around the country; but I do not know anything about them myself.

Question. Have you heard of many instances of the kind?

Answer. I have heard of some two or three around above my town there. I got it from personal report—what is called rumor. I have no knowledge of the facts at all.

Question. What did rumor say was the cause of the whipping?

Answer. I do not know, sir; sometimes it would be about some little thievery, I believe, or sometimes about political matters—different things. I heard of some; I heard of a thing over in the county of Greene, ten miles from where I live, some time ago, but only from report; some man was taken out there and whipped.

By Mr. BUCKLEY:

Question. Mr. Meredith, it is in evidence here that the negroes in the case you have spoken of, the 13th of August a year ago, came to this town for the purpose of sacking it.

Answer. That was what I heard that these folks, these white people that were so excited about it, say; that was the excuse.

Question. Do you believe the negroes had any such purpose?

Answer. No, sir; I didn't apprehend any danger at all.

Question. There was no violence committed on that day by them?

Answer. No, sir; I am satisfied there would not have been, for a gun could not have come into this court-house yard.

Question. Did the negroes, in fact, bring any guns into town?

Answer. I did not see a negro with a gun in town at all, not one; but I saw them around here without guns. I did not see a negro with a gun. I did not ride down the road. They told me they were camped up this road here. I did not go there. I did not see a negro with a gun. I saw about twenty-five or fifty around town. That man Burk, I saw him out in the court-house square that day; he had no gun; he was very quiescent.

Mr. BUCKLEY. I invite your attention to an answer of Judge Reavis, on page 336. Speaking of this occurrence, Judge Reavis says: "After the negroes commenced leaving town, either to go home or to leave their arms in the country, I heard one or two shots, and as soon as I heard those shots, I observed five or six young men on horseback, apparently very much excited, going in the direction of these shots at full speed. It turned out, as I afterward heard, that those shots were the mere discharge of the guns of some of the negroes for the purpose of unloading; and I think it was these young men who brought on the difficulty with this man Hayne Richardson."

The WITNESS. I understood he was shot.

Mr. BUCKLEY. "Who they were I do not know. I did not know them when I saw them, and I do not know them now."

The WITNESS. Does that relate to the Livingston scrape?

Mr. BUCKLEY. Yes, sir.

The WITNESS. Instead of half a dozen, there were about one hundred and fifty rode along with their guns in their hands, about 12 o'clock.

Question. You heard of no other violence except that instigated and carried on by these young men?

Answer. No, sir; I did not hear of that till I got to Gainesville. I broke down going home, and had to walk the last half mile; and I met a young fellow there, and he told me about the shooting of Hayne Richardson.

Question. Were you present at a public meeting held in this county last fall, shortly preceding the gubernatorial election——

Answer. No, sir.

Question. ——at which Governor Parsons and Governor Smith spoke?

Answer. No, sir; I was not present at that meeting.

Question. Have you a paper published in your town?

Answer. Yes, sir.

Question. What is it termed?

Answer. It is called The North Sumter News now.

Question. What are the politics of that paper?

Answer. It is regular radical democrat, generally.

Question. Is it the official organ of this county?

Answer. Not now.

Question. Has it been?

Answer. Yes, sir; it was last year, and some time before that.

Question. Do you know why it was made the official organ of the judge of probate?

Answer. Yes, sir; it was made so because the paper here was very abusive of the judge of probate, and the judge of probate would not give him the printing, and sent it over to the town of Gainesville, over to that man at Gainesville.

Question. Not because his was a republican paper, but because it was more decent than this?

Answer. Yes, sir; it was not sent there because it was a republican paper; it has never been a republican paper. The editor of this journal here at Livingston was very abusive of Judge Abrahams, and, in fact, insulting; too much so; and if he had been so to me I think I should have been tempted to have slain him. He was very insulting in every issue.

Question. Who is the editor?

Answer. Benjamin F. Herr was then. It has changed hands within a few months. Samuel M. Sprott is the editor now.

Question. Where was the former editor from?

Answer. Herr, I understood from all who knew his history, and I think I have seen some allusion to it in his paper, from his own pen, came originally from the western part of Pennsylvania, and from there he went to Missouri, and, I think, he was in Missouri during the war; and came from Missouri down here; he floated down in some way or other.

Question. Is this the paper published in your town? [Submitting a file of the Gainesville News.]

Answer. It is not the one published there now; it is the one that was published in Gainesville at that time.

Question. Is it the official organ of the county?

Answer. It was, about that time. I think it was some time about the 1st of January of this year, or the latter part of last year, that Judge Abrahams gave the public printing to this paper here—to Herr's paper—and as soon as that was done the Gainesville News suspended—after the election here last fall, about twelve months ago, when they got what they called a democratic triumph, and wanted to prize Abrahams out of his office, and the judge of the circuit court, too, to fix up things according to regular democratic rule.

Question. It has been in evidence here that this paper supported a mixed ticket for State officers last fall.

Answer. Yes, sir.

Question. It is stated, also, that it supported Governor Smith for governor, instead of Mr. Lindsay?

Answer. Well, sir, that is news to me.

Question. I have before me a copy of the paper published on Saturday, September 17, 1870, stating that it is the official organ of Sumter County—J. P. Cowen, editor.

Answer. Yes, sir.

Question. Have you ever read such an article as this in the paper?

"We have several times been asked how we liked the State nominations of the republican and democratic parties, and our reply has invariably been, we like neither, and if we vote at all we shall take sugar in ours—that is, mix our ticket. Lindsay—we believe he is capable of making a better governor than Smith. We shall, therefore, vote for Lindsay. Moren, though now a democrat, is said to have once been a radical, and a member of the Loyal League. For these reasons we cannot support him. J. W. A. Sanford is a competent man, and, if elected, will no doubt fill the position of attorney general acceptably. We shall vote for him. McCoy and Parker we know nothing about, but inasmuch as we believe in the Divine right of the white race to rule this country, we shall vote for the latter for secretary of State, in preference to his negro competitor. We do not know Hodgson, but will bet on his being a better man than Cloud, and, by the same token, we shall vote for him. So far as the general character of the two tickets is concerned, there is a striking similarity between them; both are radical to the back-bone."

Answer. Yes, sir.

Question. This man, then, supported the radical-democratic ticket?

Answer. I recollect of reading that article, now. I believe that I am the only one that could be called a radical that he voted for. He voted for me because of our old acquaintance.

Question. You were a candidate for the legislature?

Answer. Yes, sir; the county candidate.

By Mr. BLAIR:

Question. Does he not say explicitly in that article he shall vote a mixed ticket?

Answer. Yes, sir.

By Mr. RICE:

Question. You are the "sugar" he took in his ticket?

Answer. Yes, sir. I do not think he voted for a single State officer that belonged to the republican party.

By Mr. BLAIR:

Question. How do you know?

Answer. I do not know; I do not think so; I am satisfied he did not. There is his declaration.

By Mr. BUCKLEY:

Question. His declaration there was that he would vote for all the democratic nominees except Moren, and that he would not vote for his colored competitor, and the result is that he voted for none of the republicans, according to this statement.

Answer. Exactly. I will venture to bet that if he was put up here now, he would say I was the only man on the republican ticket he voted for.

Mr. BLAIR. He is competent to say that, but you are not.

The WITNESS. I do not pretend to say that I know it, but I am satisfied he did not; and I am willing to leave it to the test that I am right in thinking what I do think—that he did not do it. I am satisfied he did not. I know him too well.

By Mr. BUCKLEY:

Question. You spoke of some effort to get Judge Abrahams out of his office; to what did you allude—what circumstances?

Answer. After this election last fall some fellows around here, some little cormorants around this town, democratic fellows, wanted to get all the little pap and tried to push Abrahams off of his stool, and Smith too.

Question. Which Smith?

Answer. Judge of the seventh judicial circuit of Alabama, of which this county is a part.

Question. Were any petitions circulated here for Judge Abrahams's place?

Answer. I understood there were. I think from the information I have that there were.

Question. How did they proceed to get Judge Abrahams out?

Answer. They tried to get his securities—in the first place, I think, they tried to get some pressure on him to try to get him to resign; but they didn't put quite enough pressure on, and they then tried to get his securities to surrender and make him give new bond, thinking he could not give a new bond; and in that way get him out. There were four or five of them he heard of that were wanting his office. They tried very thoroughly, I am told, and I am satisfied of it. I didn't see anything of the sort. I didn't see the petition myself, but heard of it. I heard of their making applications to his sureties at Gainesville to surrender. Some of them have told me that themselves. Judge Reavis is one of his sureties, so am I, and so is Mr. Snedicor, another attorney in Gainesville. They commenced it very early in the season. Reavis told me of it. We met and talked about it, and met with Frank Snedicor, another surety, and canvassed the matter and concluded we would not surrender. They thought they would get the democratic sureties—there are several of them; Reavis and Snedicor are both that way; I believe I am the only one that belongs to what they call "the damned radicals," among them. They could not move them, though, to surrender. They tried their best, though. I learned it from Judge Abrahams, who told me himself—so did Judge Reavis himself—that they had applied to him as one of the sureties. No one applied to me; no one mentioned it to me, except Reavis himself, who said he had been applied to, and Snedicor had been applied to to surrender, and they agreed not to surrender, and so did I. I find no fault with Judge Abrahams at all. He has been a very good judge.

Question. From what you know of Sumter County, by reason of your long residence here, do you think that a member of the Union republican party is safe here in defending openly and boldly his views?

Answer. No, I reckon not, sir; I know no member of the republican party would have gone around here 12 months ago, at the election of last year.

Question. What is the reason this county was not canvassed by the republican nominees last year?

Answer. Because it would not have been allowed; they could not have done it.

Question. Did your member of Congress canvass this county?

Answer. No, sir.

Question. Do you think he was prevented from it through fear?

Answer. I know he was; if he had come over here on the 13th of August he would have had a dozen bullets put into his belly. There is no doubt about that. I am glad he didn't come.

Question. Did any of those on the republican State ticket come here except Governor Smith, to make a speech?

Answer. No, sir; he was the only one I heard of.

Question. Was he insulted on that occasion?

Answer. Yes, sir: I heard of it. Judge Dillard, the chancellor of the fifth division, told me he was. He was at one time judge of probate, and I call him judge. He is now chancellor.

Question. Did not the same influences which prevented speaking in the county, also prevent the freedom of the electors in voting?

Answer. Of course it did. The negroes around my town I have been acquainted with a long time, and I wanted them to scatter some tickets for me; I thought I might do the people of some portions of Sumter County some good in the legislature; but they told me they were afraid to do it; and on the day of the election some of them I did get to ride out on the road and scatter tickets among those coming in of the colored population, told me they were interrupted and threatened with violence if they didn't stop that sort of business. None of these men spoke to me or said a word about it to me; I gave the negroes the tickets from my office. Crowds of negroes would ride up there and get tickets. They would threaten the negroes but never threatened me. They knew better than to come around me and talk about anything of that sort. I never heard a word at all. I didn't see anything of the intimidation, but from the way the election went I am satisfied that there was; if not intimidation by open violence or anything of that sort it was by underhanded, sly means that prevented them from voting as they wished, freely, and openly; with boxes where two hundred or three hundred negroes were to vote in this county and not a single republican vote in the box—what does that show? To any man that has a thimble-full of sense, it shows that there must be something working to prevent it; because there would certainly be two or three negroes would vote the republican ticket. But there was not a single one, with two or three hundred voters who had previously voted the republican ticket.

By Mr BLAIR:

Question. In regard to this place of probate judge, I understand that Judge Abrahams was appointed to fill a vacancy by the governor; was he not?

Answer. Yes, sir; I believe he was.

Question. What is the constitutional provision, when an appointment is made to fill a vacancy by the governor?

Answer. I don't remember.

Question. Is it that he shall fill the vacancy till the general election?

Answer. I believe that is it; or, till his successor is elected.

Question. He was appointed immediately after the first election; the man Lane, who was elected, had gone back home with his carpet-bag, had he not?

Answer. I don't know whether he had a carpet-bag or not; he had a very portly belly as I recollect. I didn't see his carpet-bag.

Question. He supposed the constitution would be defeated and went home?

Answer. I think he went home before he found out whether the constitution was defeated or not.

Question. I think you are mistaken in that, as we have his letter in evidence in which he announced to his friends here that the constitution having been rejected, and he thereby not being able to get the office to which he was elected, he was going back to Ohio.

Answer. That may be so. I cannot recollect correctly, though.

Question. And Judge Abrahams was appointed to fill that vacancy?

Answer. Yes, sir.

Question. Because the officer elected had not qualified?

Answer. No, sir. Lane didn't qualify.

Question. And it was held that the provision of the constitution which allowed the governor to appoint until the next general election would terminate Abrahams's office at the election of 1870?

Answer. No, sir.

Question. That was the general election; was it not?

Answer. No, sir; not for judge of probate. The election at which Lane was elected was in February, 1868. He left after that at some time and left a vacancy in the probate office; in fact, he never filled it. Some other appointee of Parsons before that filled it. He left in 1868. The judicial elections happen every six years, and that would make it 1874 for the next election of judge of probate.

Question. I understand that was the view of the question taken by some persons. Others contended that the office should be filled at the next general election?

Answer. General election for judicial officers.

Question. It does not say for judicial officers, but the general election; some persons, therefore, contended that the next general election would be in 1870?

Answer. Yes, sir.

Question. Others contended that it meant the next general judicial election?

Answer. Yes, sir; I always interpreted it in that way.

Question. It was a difference of interpretation, therefore?

Answer. Yes, sir.

Question. And the effort of which you speak, to get Judge Abrahams out, was simply certain persons claiming that his office terminated, or his appointment terminated at that time?

Answer. No, sir; you misunderstood me about that. They got a little democratic triumph here in Sumter County, and they thought that would give them a little claim to make a pressure by which they could prize all these fellows out, and Abrahams too.

By Mr. BUCKLEY:

Question. Was the effort before or after the election?

Answer. Before and after. They stirred the thing up before the election, thinking they would get the democratic triumph, and after the election they made the effort with all kinds of outside pressure to get them out and get in. The "outs," of course, always want to get in, you know.

By Mr. BLAIR:

Question. And the "ins" want to stay in?

Answer. Yes, sir; that is the fact.

Question. The point I wish to draw your attention to is this: Did not those who wanted to get Abrahams out contend that under the constitution his appointment only carried him over to the next general election?

Answer. I never heard of such a thing from them at all.

Question. What did you hear from them?

Answer. I did not hear a single word of that sort. I only heard they wanted to get the office, and it was on the faith of that little democratic triumph, not on the constitutional point. There was no question of constitutionality that I ever heard.

By Mr. RICE:

Question. They did not run any candidates on that faith?

Answer. No, sir; not at all. I never heard that question raised.

By Mr. BLAIR:

Question. It would not have been possible to run a candidate unless there had been proclamation made by the governor to fill the position?

Answer. Of course not.

Question. Therefore their not running a candidate has no significance in this matter?

Answer. No, sir; they didn't run a candidate.

Question. There was no proclamation ordering an election?

Answer. None at all. I never heard the constitutional question mentioned before at all. This is the first time I ever heard it mentioned from any side, either one side or the other.

Question. It might have been raised without your hearing it?

Answer. Yes, sir.

Question. It is very possible that that view of the case was entertained?

Answer. Yes, sir; it might have been, by some.

Question. It is possible that the term "next general election" might be construed by some to mean the next general election, and not the next judicial election?

Answer. Certainly. Men differ in their construction of laws, but I never heard any question of that kind raised. But the idea was to prize out all these "damned scalawags and radicals," and get all the offices.

Question. Did Judge Reavis and the other persons who spoke to you about these armed negroes coming to town seem to be alarmed and excited about it?

Answer. Yes, sir, very much.

Question. Did they give credence to the telegrams which announced that armed negroes were coming from Greene County and Gainesville, and along the river?

Answer. They spoke to me that way—that they did give credence to it.

Question. Did they appear to be excited and alarmed?

Answer. Yes, sir; the whole town, almost all the citizens, seeemed that way. A majority of them seemed to be agitated and alarmed. They seemed to fear something from the negroes, some kind of violence; but I had no fears myself at all. I told Judge Reavis, and Snedicor, and all I talked to so.

Question. You belonged to that organization which included these negroes?

Answer. What organization?

Question. The republican organization?

Answer. I belong to the Union republican party; but I find that the democrats are taking all the negroes from us now. They are getting them amongst them.

Question. That seems to give you very little satisfaction?

Answer. No; I would rather they should not take to them or the "new departure" either.

Question. I understand you to say you were a candidate for the legislature that year?

Answer. Yes, sir, a candidate for the lower house of the assembly of the State of Alabama, for the county of Sumter.

Question. You did not get elected?

Answer. No, sir. I am very glad I did not. It was forced upon me. I did not want to be there. It was no honor to be in the Alabama legislature.

Question. Not much?

Answer. That's my opinion. I have known it for thirty odd years, and I have never known any honor in it, and no pay.

Question. Who was it told you that old man Burke was killed because he had got the negroes to come down here with arms?

Answer. I do not remember the persons that told me; I do not remember their names. I heard it mentioned around town by several persons, but who it was I cannot recollect now.

Question. Did Reavis assign that as the reason?

Answer. I do not know; I believe he did. I heard it spoken of there, that that was the excuse they gave for killing the old fellow.

Question. What is Reavis's character?

Answer. He is one of the best men I ever knew in my life. His heart is as big as a mountain—a clever, sociable gentleman, and one of the best lawyers we have in the State of Alabama.

Question. An honorable man, of high character?

Answer. Yes, sir; perfectly honorable, and one of the best men you can find anywhere.

Question. If he should make such a statement as that to you, would you give credence to it?

Answer. Of course I would.

Question. That Burke was killed on that account?

Answer. Yes, sir.

Question. That he had incited the negroes to come there?

Answer. Yes, sir; I would give credence to it in this way: that that was the excuse these men gave for killing him.

Question. Did he believe it?

Answer. Yes, sir; he had heard that that was the excuse. I would give credence to it in that way, or any other thing which Judge Reavis would tell me. He is an honorable gentleman, sir, and a fine lawyer.

Question. Did any one see this killing?

Answer. I do not know whether anybody did or not.

Question. You never heard?

Answer. I believe Reavis told me some negroes went down there after they had shot him and saw these men; but they did not know who they were. Who the negroes were that went down there after he was shot, he didn't tell me; and I do not know who they were; I do not remember. That fellow Hayne Richardson was in the house at the time that night; he happened to come out, and ran too fast for them to shoot him. They did not shoot him at that time; they shot him on the 13th of August previously. He was camping in the same house, and he slipped out and ran too fast to be shot or killed. They shot at him, but did not kill him.

Question. How was he killed on the 13th of August?

Answer. I did not say killed; I say shot on the 13th; and shot at, he being in the same house with Burke. He was not killed on the 13th, or he would not have been shot at on the night of the 22d or 23d, or somewhere there. You misunderstood me. I understood they had shot him and wounded him on the 13th, but did not kill him.

Question. You say there were certain precincts in this county in which there was a large negro vote, and not a single vote cast for the republican party?

Answer. Yes, sir.

Question. What precincts were those?

Answer. One was Warsaw, one was York, and, I think, Cuba was one. They were the largest precincts.

By Mr. BUCKLEY:

Question. Are there many colored people living in Warsaw precinct?

Answer. Yes, sir; a good many of them; it is a rich, fine country where Warsaw is.

Question. I notice by the return that Warsaw gave no republican vote whatever?

Answer. No, sir; it gave me one; my son-in-law lives up there; the State ticket did not get a single vote; he voted for me.

Question. At Cuba, I see, no republican vote was cast?
Answer. That is my recollection; and none at York.
Question. Are there many colored men living about York?
Answer. Yes, sir; I think there are. At Intercourse none were cast; it is in a rich part of the country; there are a good many negroes there.
Question. I notice several of that kind; three or four. At Rosserville, no republican votes were cast?
Answer. Yes, sir; I believe so. That is a small precinct; there are a good many negroes there, too. The others are rich districts.

By Mr. BLAIR:

Question. Is it not generally the case that the negroes have been induced to come to the larger precincts like this, that they may receive the direction of their friends?
Answer. I do not know, sir.
Question. Is not that usually the case?
Answer. Sometimes it is, I believe.
Question. Although there may have been negroes in those precincts, they could have voted here?
Answer. But, then, they would not take negroes from Warsaw and carry them to York; or from York, and carry them to Warsaw. Some few negroes would go from Warsaw down to Gainesville, but not more than forty or fifty, when there were two hundred or three hundred of them up there. Those who went away would come to Gainesville.
Question. Is it not the law that a man can vote in any precinct in the county?
Answer. Of course it is.
Question. Has it not been the custom with the republicans to induce as many of the negroes to go to the larger precincts, in order to give them instructions as to how they will vote?
Answer. No; it has not been the custom, I do not think. It has been done sometimes, but it is not the custom. It has been done occasionally before and since this war. Before the negroes had the right of suffrage it was done.
Question. Do you pretend to say any intimidation was used at these precincts upon these negroes?
Answer. Which precincts?
Question. The precincts you have spoken of—Cuba, York, and Warsaw?
Answer. I did not see any of it; but I would wish for somebody to tell me why it was there were no republican votes in any large precinct of that kind. I cannot account for it in any other way.
Question. That is begging the question.
Answer. No, sir, it is not.
Question. You pretend to testify on your oath—you are testifying on your oath——
Answer. I would just as lief testify without it.
Question. ——that these negroes were intimidated?
Answer. They must have been.
Question. Were there no other influences by which they could have been induced to vote?
Answer. That's what I say. I do not suppose it was positive intimidation, or clubs and brick-bats; but I say there was an influence that was operating upon them, and that prevented them from voting.
Question. There are a great many influences that are legitimate and proper?
Answer. That is what I said. I said that at the start.
Question. Might there not have been proper influences used with them?
Answer. Yes, sir.
Question. Persuasion?
Answer. Yes, sir.
Question. Argument?
Answer. It was all on the democratic side that they were persuaded.
Question. Have not the democrats the right to persuade as well as you?
Answer. Certainly; I have no doubt of that; but I say, from the fact that there was no republican vote at these large precincts, something of that kind must have been used on the negro population. Do you understand that?
Question. Some persuasion?
Answer. Some sort of influence.
Question. Some sort of influence?
Answer. Precisely.
Question. That is all you say?
Answer. That is all I did say, or pretend to say. I reckon you can understand that.
Question. That is what I want to understand.
Answer. That is what I said at the start.

Question. I want to understand whether you mean that these men were compelled by intimidation, or influenced by persuasion?

Answer. I do not say there was any positive intimidation; but I stated at the start, in answer to Senator Pratt, that there was some influence of that sort; not meaning a direct intimidation, but something that prevented them from voting the republican ticket.

Question. That is what I want to get at clearly—what you said and meant.

Answer. That is just what I said at the start, and again say now, general.

Question. That there was some influence brought to bear upon them?

Answer. I think there must have been.

Question. You do not pretend to say what that influence was?

Answer Not at all. I do not know; I cannot know; but I am satisfied there must have been some influence of that kind used, otherwise there would have been some republican votes put into these boxes.

By the CHAIRMAN:

Question. Have you ever heard the negroes say themselves what influence had been brought to bear upon them?

Answer. I have heard some negroes talking around in my neighborhood.

By Mr. BUCKLEY:

Question. I notice, by the return published, that the vote cast at Livingston last fall was 604 for the republican ticket. Now, if all these negroes came to Livingston to vote, would not we expect a larger vote in this county, where there were 3,600 registered colored voters?

Answer. Yes, sir. They did not go to York. There are plenty of negroes around here; this is a rich precinct, good land, and a good many negroes here are raising cotton.

Question. I notice in your Gainesville precinct the republican vote was 411; do you think a great many came into that precinct to vote?

Answer. Very few; there might have been forty or fifty from other precincts.

By Mr. BLAIR:

Question. Is it not usual with the negroes to vote pretty much in a body?

Answer. Yes, sir; they sometimes do that. Where they live on a plantation, they sometimes get into clans in that way, and vote together.

Question. And if in any particular precinct they find a large number of their people voting one ticket, they would be likely to all join in?

Answer. Probably they would; but in the precinct I was in, they were very much divided, and I reckon they would be so in other precincts, too.

Question. Was it not the fact that some prominent negroes—or some who had been prominent—including one who was president of the League at one time——

Answer. I do not know who he was.

Question. A man named Little?

Answer. I heard of him.

Question. Did you hear he voted the democratic ticket?

Answer. Yes, sir; the white democratic candidate had him up at Gainesville helping him to make a democratic speech.

Question. Were there any other negroes?

Answer. Yes, sir; two or three other negroes they had roped in. Edward Smith and Mooring had two or three others.

Question. Roped them in?

Answer. Yes, sir; I think they roped them in in some way with cajolement about their fine democracy.

Question. A negro here made a speech about Judge Saunders's pony?

Answer. I did not hear that.

Question. Did you hear of it?

Answer. No; I never heard of it, and I should not have cared to have heard it. I do not like to hear their kind of speeches myself, general. I beg to be excused. I have heard some good speeches from negroes for a short time—brief, sensible remarks; but when they go to running on with a rigmarole, they get uninteresting.

Question. You do not like to hear them talk on that side?

Answer. I like to hear a sensible idea from a negro, or anybody else, but I do not like to hear a negro running on in nonsense as they frequently do. But they do that. Smith and Mooring the democratic candidates had negroes to help them make speeches at barbecues and public meetings around, to help elect them.

Question. Do you not think that had some influence on the negroes generally—prominent negroes making speeches?

Answer. Of course it did; anybody would know that.

Question. Take the negroes to whom they had been in the habit of looking up to a little, as the president of the League; when he made democratic speches, would it have an influence on the——

Answer. Of course like you with your friends in Missouri; you would have an influence upon old friends by a speech there, and you would have here; so with this negro fellow here, he would influence his friends.

Question. Those probably were the influences brought to bear by the democrats here to control negro votes?

Answer. It may have been.

By Mr. RICE:

Question. Were they the influences that kept you and other candidates for the legislature from canvassing the county—these speeches by colored men?

Answer. No, sir, it was fear of our lives and limbs. If we had gone around here making speeches—Gillmore and myself—we would have been slaughtered. I told Mr. Gillmore when nominated that I did not intend canvassing Sumter; I knew Gainsville, and I could see people around there; but if I had friends anywhere else, they must canvass for me; I was not going to canvass Sumter; I did not want to speak anyhow. If I had gone to making republican speeches around here I would have been slaughtered.

By Mr. BLAIR:

Question. Did they kill Governor Smith or Governor Parsons when they spoke here?

Answer. They made a great effort?

Question. Were you here?

Answer. No, sir; but at Eutaw they made an effort to kill both of them. I was not there.

Question. That is not in your county?

Answer. No, sir; that is in Greene County. But I heard of an effort here.

Question. What effort did they make here to kill them?

Answer. They did not make a direct effort to kill them. Some of those in the crowd had arms, knives, and pistols, and were insulting to them in their speaking.

By Mr. BUCKLEY:

Question. Did you hear that a man with a pistol on, and a knife in his hand, went up to the table to drink water when Governor Smith was speaking?

Answer. No, sir; I heard he insulted him, and called him a liar.

By Mr. BLAIR:

Question. Did you think the drinking of that water would hurt Governor Smith?

Answer. No, sir; if Smith did not drink some that had poison in it.

Question. That would not have hurt Smith if the man drank it?

Answer. No, sir; but if Smith drank it, it might have hurt him.

Question. Did you think that would be intimidating Smith much, to see a man come up and drink a glass of water?

Answer. No, sir.

By Mr. RICE:

Question. But if he had a knife in his hand?

Answer. If he had a bowie-knife in his hand it would.

By Mr. BLAIR:

Question. That is the supposition.

Answer. That is *your* supposition?

Question. I am taking the supposition of Mr. Buckley—of a man going on the stand and drinking a glass of water. Would that trivial circumstance intimidate Governor Smith?

Answer. No, sir; I suppose not.

By Mr. BUCKLEY:

Question. The fact that he was armed——

Answer. I did not see that; if he was armed, and came up and drank water by the side of Governor Smith, or Governor Smith saw his arms, it might have intimidated him. I did not see that; but I learned from persons present that very insulting language was used, and some weapons shown around. At Eutaw it broke out in regular rebellion.

By the CHAIRMAN:

Question. In case of negroes being whipped, or otherwise maltreated, are they free to appear as witnesses, and endeavor to bring to justice the white men who have outraged them, or are they deterred from instituting prosecutions through fear of further punishment?

Answer. Yes, sir; they are always deterred from it. They cannot do it; they dare not do it. That is the reason they have not done it.

By Mr. BLAIR:

Question. How do you know?

Answer. Well, I have heard that said by the negroes and by white folks, too. I have heard white folks say, when they do anything on that side, "If they go and tell, damn them, they will kill them."

Question. Who did you hear say that?

Answer. I do not know now; I have heard it. I do not believe you have lived in this part of the country much, or you would know.

Mr. BLAIR. I have heard of that kind of loose talk.

The WITNESS. I knew when they told it to me, but I do not remember who; I have heard it frequently, but do not remember anybody who said it.

By the CHAIRMAN:

Question. Do you know of any white men, in point of fact, being punished in this community for having whipped or otherwise maltreated a negro?

Answer. No, sir; I do not know of any white man in this part of the country punished for that.

LIVINGSTON, ALABAMA, *November* 2, 1871.

BENJAMIN LEONARD (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. I live in Greene County.

Question. How long have you lived there?

Answer. I was bred and born there; I was raised there.

Question. Did you come here last Tuesday for the purpose of being examined in this court-house as a witness before this committee?

Answer. Yes, sir.

Question. Were you waiting in the hall of the court-house to be called in before us to testify?

Answer. Yes, sir.

Question. What induced you to leave here that day, and not come before the committee?

Answer. I was sitting right back there, and the clerk he stepped out, and a white gentleman came in and told me he wanted to see me, and I went to see him. He asked me what I was doing there. I told him I was not doing anything. He asked me how came I there. I told him I was sort o' summoned here before this committe; and says he, "Well, don't you know you haven't got any business there?" I told him, "I can't tell you; I don't know what's going on; I can't tell." He asked me where I lived. I told him I lived in Greene County. He asked me didn't I live at Black's Bluff. I told him I did not. He didn't believe it. I told him I never was at Black's Bluff in my life. He says, "You say you are summoned here?" I told him, "Yes." Says he, "You had better leave here; you are in a bad place, if you know it, and you had better leave;" and I did so; I got up and went out there; I come down on the train; I took it afoot back, and went back across the river; I come back again this morning. That is what induced me to leave. I didn't understand the subject. He told me if I staid here I would find out what the result would be. I didn't know what would happen, and I left in time.

Question. Did you know who this white man was?

Answer. No, sir; I never was acquainted with the man.

Question. Would you know him if you were to see him again?

Answer. I reckon, probably, I would. He was a chunky man. I wouldn't be satisfied that I would know him. I didn't see him before. I looked at him pretty good, to see if I could recognize him again if I saw him.

Question. Have you seen him again to-day?

Answer. No, sir; I have not seen him again to-day.

Question. Did he tell you what would be done to you if you staid here?

Answer. No, sir; he did not say what would be done. He said I had better leave; I was in a bad place. Finally, he said I could stay, and I would find out the result.

By Mr. RICE:

Question. Did anybody else see him out there besides you?

Answer. There was a black fellow sitting there with blue pants on. He was sitting there on a chunk of wood at the same time. He seemed to be waiting here at the time. I think that gentleman [indicating the deputy sergeant-at-arms] was sitting out there when I was out there.

Question. That is our deputy sergeant-at-arms, Mr. Maguire?

Answer. Yes, sir. He had picked up his hat and walked out.

Mr. MAGUIRE. The man with the blue pants must have been the man that attends to the room here.

By Mr. RICE:

Question. Have you ever seen any man in disguise in Greene County?

Answer. Yes, sir; I did once.

Question. Tell the committee the circumstances.

Answer. Well, sir, I was arrested once. I was a prisoner about half an hour by sun, about eleven miles from the county-seat.

By Mr. BLAIR:

Question. Arrested for what?

Answer. I was arrested; the offense was murder—said to be.

By the CHAIRMAN:

Question. Arrested on a charge of murder?

Answer. Yes, sir; about half an hour by sun, I guess about eleven miles from Eutaw, and traveling on the Gainesville road, from Gainesville to Eutaw, I got to a man's house, and met the sheriff. There was a man deputized to serve a subpœna on me, and he carried me about three miles, and met up with the sheriff. Then it was after night. We staid there a long while—five hours, I think. I asked them if they were going to take me to town that night. They said, "Yes." I said, "Let's travel on; I am tired of waiting." I wanted to get to jail. He told me I was in his charge, and not him in mine. I said, "Yes." We started about half after 10 o'clock. We were about eight miles, I think, from where he arrested me, and there was a couple just riding ahead of me, a white man and a black man, side by side. As I was riding along (we were all riding) I heard somebody say, "Halt!" I raised up my head and looked, and we were in a lane, thirty feet wide, I reckon. The lane was just filled up with men; I don't know what. It didn't look like men merely to me at the time when I first saw them. I don't know what sort of shape some of them had, with great long hats, so long, [indicating,] scalloped all around, and shrouds, or something of the kind, hanging all around down to the feet and on the horses, and some had sheets on, spotted, and all kinds of clothes. They asked whose command was that. They told him. "The sheriff." "What sheriff?" "The sheriff of Greene County." "Where is the sheriff?" "He is back there." "Tell him to come forward himself." Says he, "I'll do it, sir; here's a bottle of whisky."

Question. Who had it?

Answer. The sheriff had a bottle of whisky in his hand, and he told him he would forward himself with a bottle, and he did it. They staid there eight or ten minutes, and he asked what was the prisoners charged with. "Who is that you have got?" "Prisoners," he said. "What are they charged with?" He told them "Murder." The sheriff said to us, "Ride on ahead," and he told him to "Halt!" The sheriff says, "I want to take my prisoners to jail." He says, "You are all my prisoners." Then they all commenced charging, and riding, and whirling, and cutting about in the lane in front of us with pistols out. The moon was shining bright. Finally they stopped again, and the sheriff staid there a few minutes and he rode off.

Question. The sheriff rode off?

Answer. Yes, sir; he rode off forward and left us in the charge of five or six others and about ten disguised men, and I reckon he kept us there about an hour, as well as I recollect, as well as my mind serves me, I think. Finally a man came down the road and asked the names of these prisoners, and they commenced telling him there was five: two of my younger brothers, Ben Leonard, and Willis Leonard, and Sam. Leonard, and the old lady, Lucy Breathitt and Stokes Breathitt. That's what they told him. He says, "I will take that girl and Stokes, and you can take them three and carry them on to jail." And they did so, and they delivered us back to the hands of the sheriff. I didn't see him no more till I had been in jail two or three hours. They took that old lady and her son; that was her son; the old lady was riding behind my brother. They made him get down and get on the pony Stokes was riding, and made him get up on the mule before his mother, and they started off with him, and we all went up the lane a little piece. I don't suppose we went a hundred yards with Stokes before he jumped off of the mule and I suppose he got away; I have not seen him since, but I have heard he got away. I heard pistols fired, and I raised my head and saw the fire just streaming. They fired a good long time and ran up and down, and the old lady had time to jump off of the mule and she undertook to run. I saw her, but she didn't run to do no good. She run off for a little piece and stopped, and they went and got her and brought her to jail about an hour or two hours after I was in jail. I never saw her no more till next morning. We were taken out and had a trial, and Stokes, I have not seen him since.

Question. Were you taken out next morning?

Answer. Yes, sir; for the trial; but didn't have any, and I was put back. I didn't see her till I was taken out next morning—not any more that night.

By Mr. BLAIR:

Question. Were you put back?

Answer. Yes, sir, I was put back in jail next day, after being taken out a small space.

By the CHAIRMAN:

Question. How long did you lie in jail?

Answer. From Friday night till Wednesday.

Question. What was done then?

Answer. On Saturday was to be the trial, but was not; but we came out, and were to go on trial again Wednesday, when we were taken out and brought to the room where they were going to try us at. We were all carried in; but when they called witnesses, the party that was prosecuting us didn't have any witnesses, according to the way I could understand it. I guess we had a good many—fifty or sixty, I reckon, at least, white and black; and the attorney that was to prosecute us, after examining his witnesses privately, came in and stated to the court that it was probably foolishness to harass the minds of the people in the country on such a case as that, because he could not get no evidence at all against us, to make a case out of it; and, if the court pleased, he thought it was best to turn us loose; and on that consideration we were turned loose. My attorney asked me what I thought of it. I told him on such a subject like that was I would rather do so, if they considered it best; I didn't have another word to say; I let it go, and so that was what was done that time; though I was arrested right straight twenty minutes after again. I am a kind of a mechanic; I have been a mechanic—a regular journeyman, and a man at almost any work that is done in this country.

By Mr. BLAIR:

Question. You were arrested again immediately after?

Answer. Yes, sir; I am a kind of a gunsmith-journeyman, too; and there was a pistol sent me the morning I was arrested, to work on, and I was making a buggy at the time at an outside place for a young white gentleman; and had no place to work under, and had a work-bench out doors; and had done my work and had my tools out there to paint it off, and there came up a shower of rain; and he told me to move into the passage of the house, and I carried them in there; and the fellow stuck the pistol in my coat-pocket like this, and there was a hole in the pocket and the pistol went down here, and when I was arrested I had just put a coat of paint on the buggy, and my coat was hanging up, and the man came and arrested me, and I told him all my tools and paint were sitting there and I would like to pick them up. He said, "You can't go anywhere but right here. If you want anything you must send for it." When the boy brought my coat and I put it on, the pistol was found down in the pocket of the coat-tail; and I had to give a $50 bond and surety. A man arrested me afterward and I had to give a $200 bond, and I proved it then that the man put it in there. But I have to attend court Monday, I suppose, on it yet.

By the CHAIRMAN:

Question. What were you arrested for—carrying concealed weapons?

Answer. That was what I was arrested for; and that was the way it came there. I didn't put it there myself. It would not shoot; it was tried and found out. That was how I came by it. If I hadn't been arrested I would have known the pistol by the weight of it, but a man wouldn't notice forty pistols in his coat then; for I consider it pretty serious when a man comes and arrests me for killing somebody. I never thought of such a thing. That took my attention in preference to the pistols.

Question. You have proved yourself clear of that charge?

Answer. Yes, sir.

Question. And they dismissed you of that charge and arrested you ten minutes afterward?

Answer. Yes, sir.

Question. For what?

Answer. For carrying concealed weapons. They didn't take that up till the other was done with.

Question. Have you ever heard what has become of Stokes?

Answer. I have heard people say that they have seen him, and that he went away. They never said where he went to. I never heard. My wife told me his wife told her that he was home that night; that morning before day, after he was arrested.

Question. How many of these men did you see in the lane that had disguises on?

Answer. Well, sir, it appeared to me like there was about twenty-five or thirty men. It looked to me like that number, but they were scattered a good ways. It looked like twenty-five or thirty men.

Question. How near were you to Eutaw when surrounded by these men in the lane?

Answer. About two miles from the county-seat. I think that is as nigh as I can come at it.

Question. Did they appear to fire their pistols off at Stokes?

Answer. Yes, sir; it appeared so to me.

Question. Did these disguised men accompany the prisoners on to Eutaw?

Answer. No, sir; they went to different directions; just the men that arrested us, I believe; there were five men went with these three on to jail from there.

Question. They did not have any disguises on?

Answer. No, sir; the men arrested us in the evening, just at night.

Question. Did these disguised men do any violence beyond shooting their pistols after Stokes?

Answer. The old lady. I saw her next morning, and she had a ring around her head, and she told me they tied a rope around it, and put a stick in it and twisted it; and there's a black streak around her head to-day, from that time, and all the hair was off of her head, back here. She told me they pulled it out. I saw her next morning after we were taken out of jail, with that ring around her head; she said they tied a rope around her head, and put a stick in it and twisted it. They persecuted her right smartly, according to her report, otherwise.

Question. Did she complain a good deal of the hurting of the rope?

Answer. Yes, sir, pretty heavy.

Question. Were any other persons hurt?

Answer. No, sir; me and my two brothers were not interfered with, only just in the lane as we saw them, till they came to carry us to jail; they didn't touch us, and asked us no questions.

Question. Were all the prisoners discharged after they had their trial on Wednesday?

Answer. Yes, sir, all hands.

Question. When did this occur?

Answer. As well as I can recollect, it was about the last of March or the 1st of April—somewhere about that time.

Question. This year?

Answer. Yes, sir.

Question. Did you know any of these disguised men?

Answer. Honestly, it looked like it was not impossible for me to know them; sometimes it looked to me like some of them I had an idea of, but I can't say I knew a man positively.

Question. Had you ever been interfered with before that time by men after night?

Answer. No, sir, I have never been interfered with myself.

Question. Have you ever been interfered with since?

Answer. No, sir; nobody has pestered me much since.

Question. Whose place are you living on?

Answer. I am living on a place now called Mr. Tom Hawkins'. He bought it this spring. I was living on it last year.

Question. Are you cultivating part of it?

Answer. Yes, sir.

Question. Do you know, or have you heard, of any colored people in Greene County being murdered by disguised men?

Answer. I have heard of a good many—I have heard of some; some I knew.

Question. Tell the committee such cases as you know or have heard of.

Answer. I was very well acquainted with Guilford Coleman.

Question. When was he killed?

Answer. I don't remember exactly, but some time last year.

Question. After night?

Answer. Yes, sir; I believe it was after night.

Question. At his own house?

Answer. He was in his house and was taken out.

Question. How was he killed—shot or hanged?

Answer. It hasn't been ascertained. Nobody can tell. I saw several people that said they saw a good many stubbles, that was like a man's finger, where they tracked him next day. It looked like they had beat him there.

By Mr. BLAIR:

Question. With what?

Answer. With stubbles. It looked like they had been beating him with stubbs of switches.

By the CHAIRMAN:

Question. Where was his body found?

Answer. It never has been found.

Question. Was it reported that he was killed?

Answer. Yes, sir; it was reported he was found in an old well up about Eutaw, but I can't say.

Question. He has never been heard of since?

Answer. No, sir.

Question. What other cases do you know of?

Answer. There was another—Sam. Caldwell, I think, was his name.

Question. When was he killed?

Answer. I think it was the spring before this last. He was found hanging to a tree, and shot, I think, with some ten or twelve bullet-holes in him. That's the report I heard of it. There are some others; but it has been some time, and I can't recollect their names to state exactly who they were. There is an old fellow was up here at my house Monday night—Henry Dew; he was shot.

Question. When?

Answer. Last spring. He was shot in the left shoulder.

Question. Have you talked with him?

Answer. Yes, sir; I am well acquainted with him.

Question. What did he tell you about the circumstances?

Answer. He said he was in his house and these men came up and called him, and he answered, and came to his door; and he saw some fifty standing there.

By Mr. RICE:

Question. Disguised men?

Answer. Disguised men; and he said that he stepped on the door-step to see them—what they were going to say to him. Nobody said anything more except to tell him to come out. He came out, and he thought they would take him off and whip him, and that they might whip him very hard; but he thought he would risk his chance, and started to run; and as he started to run the contrary direction nobody come after him, but they shot him down about ten steps off, and nobody went to him; but they turned and went off; that's what he told me. I have seen him many a time.

By the CHAIRMAN:

Question. Does he live in Greene County?

Answer. Yes, sir.

Question. State any other cases you know where colored people have been shot or killed.

Answer. There are a good many. I know another old fellow, a distant relative of mine, was whipped last fall.

Question. What was his name?

Answer. Littleton Hood.

Question. You say he was whipped last fall?

Answer. Yes, sir; and he has not got over it yet.

Question. Have you talked with him about it?

Answer. Yes, sir, many a time when I see him.

Question. What did he tell you of the particulars of his whipping?

Answer. He told me that they came to his house and broke his door down and ran to his bed; he was lying down, and they just gave him a jab with their pistols against him, and told him not to say a word; and they took him out about a mile, where they whipped him with pistol-belts, with the buckle part of it. They whipped him some time—a long time—and made him sit up on an old trough at an old well, and told him to stay there till they came back. He is a crippled man. He staid a while and heard them coming, and ran away from them and they didn't get hold of him any more.

Question. How many did he say were in the crowd?

Answer. He said about seven.

Question. Did he say they were disguised?

Answer. Yes, sir; he said one of them, after whipping him a long time, uncovered his face and called him to come, and asked him, "Don't you know me?" He tried to make him recognize. He said he couldn't do it; he didn't know the man.

Question. What did they tell him they were whipping him for?

Answer. They didn't tell him what they were whipping him for, so he said. This is what they said: they were going to make a democrat out of him before they got done with him. He had been saying something about voting, and the Ku-Klux; he was a crippled man, and had an old stick that he walked with, and he told another fellow that he could whip four or five Ku-Klux with his old hickory stick, and he 'lowed that was something they were whipping him for.

Question. What did Littleton Hood say these men who whipped him said about the cause of their whipping him?

Answer. They never told him; at least he never told me. They told him they were going to make a democrat out of him before they got done with him.

Question. They told Littleton Hood that?

Answer. Yes, sir; and he told them he would be a democrat as long as he lived. That's what he told me he told them.

Question. What did Henry Dew say they whipped him for?

Answer. They didn't whip him; they just shot him; there never was any words multiplied with him; he was just shot. He was called out and he stepped out and stopped on the door-step, waiting to hear what they were going to say to him, and he saw so many men out there, and disguised men, he could not tell who nor what, and the thought struck him immediately that they were going to do something with him, and he broke and run.

Question. They did not tell him why they wanted him out there?

Answer. No, sir; he says they only told him to get up and come out. He started to run when he saw them; they shot him down as he was running.

Question. State any other cases of whipping that you have heard of.

Answer. Really, I cannot. There's a heap of things I have heard of, but I can't recollect them to give a true statement like I want to when I tell.

Question. Have you heard of a good many colored people being whipped in Greene County?

Answer. Yes, sir; I have heard of a good many.

Question. How long has this whipping of negroes been going on?

Answer. It has been going on now for the last four years. The first whipping I heard of was about 1867.

Question. How long since you first heard of men going about in the night-time, disguised, with pistols, and with their horses covered with disguises?

Answer. That's what I mean. It has been about that, since along about 1867. I lived part of the year in Pickens County. The first I heard of any such thing was in Pickens County. I lived there in 1866, part of the year, and I moved back into Greene, where I was raised, bred, and born. I lived in Pickens up to September, 1866.

Question. Did you hear of Ku-Klux in Pickens County?

Answer. Yes, sir; that was the first.

Question. Did you ever see one there?

Answer. I never saw one in Pickens, myself.

Question. What were they said to be riding over the county for?

Answer. According to what I understood they were riding for, sometimes a man would have somebody on his place and would fall out with him, and want him whipped; that is the way it has come up; and they would call them "the night owls," who would catch them and whip them.

Question. Did you hear of many cases of that kind, in 1866, in Pickens County?

Answer. Yes, sir; I heard of several cases not very far from where I lived.

Question. When you went back to Greene County, in 1867, did you hear of the Ku-Klux there?

Answer. I don't think there was any in Greene County at that time, that I can recollect. The next year they broke out and commenced in Greene.

Question. In the year of the presidential election did you hear of them?

Answer. The year General Grant was elected?

Question. Yes.

Answer. Before that.

Question. Before that election?

Answer. Yes, sir.

Question. What did you hear that they were doing in Greene County?

Answer. They were at that time whipping men; I don't know for what. To tell you the truth, some said one thing, and some said another; some said they wanted to make them vote the democratic ticket; but by my not being interrupted myself, men have talked to me a good deal about voting one way and another.

Question. White men?

Answer. Yes, sir.

Question. What did they say to you?

Answer. They told me how they thought I ought to vote; that they thought I ought to vote with them. They called me a strong radical at the time, but nobody would hardly ever say anything to me. I was a journeyman. About such things nobody never pestered me.

Question. Did they ever tell you what would be done with the colored people if they voted the radical ticket?

Answer. Yes, sir; one man did.

Question. What did he tell you?

Answer. He told me they were voting against the people of this country if they voted the radical ticket; and if they did do it, they would turn against them, and they would see what happened to them if they did that; that they would put them down: they had all the advantages; and the way he was speaking to me was, they would give us no work to do, and we would be bound to get a sight of bother, and would be obliged

to come to them for work at their prices, and whatever pleased them they would give us.

Question. Did any of the colored people ever tell you they had been spoken to in that way?

Answer. Yes, sir; a good many have been talked to about voting, and what was best. They have told me so.

Question. How long ago was it that these white men spoke to you in this way?

Answer. I don't remember; but if I am not mistaken it was the fall before this last. I was on my screw-building, at my trade, traveling around about.

Question. Was it year before last?

Answer. Yes, sir.

Question. Was he a leading democrat who told you this?

Answer. I don't call him a leader; he is a democratic man.

Question. You think other colored people have been talked to in the same way you have?

Answer. Yes, sir; numbers of them, according to what he told me. He tried to make me think I had more sense or more ideas of about what was right than other common black people, and I ought to talk to them what was best to do under the directions he gave to me.

Question. If let alone and not influenced by white democrats, how would the colored people generally vote?

Answer. My honest opinion is this: generally in Greene County, if every man had his own way, they would generally vote the republican ticket. I have no doubt of that fact.

Question. Do you know whether any colored people have voted the democratic ticket out of intimidation or fear that if they did not do it they would lose in some way by it?

Answer. Yes, sir; I know of some.

Question. They have told you so, have they?

Answer. Yes, sir; I know of one man has told me. I never tried to find out much about people's business, only some men I talk with about it. When I see a responsible man I talk with him. I know one man had a little place on a man's plantation; he told him if he would come there and build he could stay as long as he pleased. The day of the election the old gentleman went down to Clinton to vote; and this man came up and asked him how he would vote; he told him he didn't know; he thought he would vote like he had been voting. He says, "You understand, you can vote as you please; but the very minute you vote the republican ticket I want you to consider that you leave my place." I understood there were several of those cases, that have been told to me.

Question. How did this old man vote under that threat?

Answer. He didn't vote at all. He just put down everything and went back home.

Question. He would have voted the republican ticket?

Answer. Yes, sir, if he had voted at all; but as it came up he didn't vote at all.

Question. Do you think this practice has been extensive to induce colored men to vote the democratic ticket?

Answer. Right smartly; I thing so, honestly.

Question. Have you ever known any white people punished for whipping or killing negroes for voting in Greene County?

Answer. No, sir; I don't know any case.

Question. You do not know of a single case of the punishment of a white man for whipping or maltreating negroes?

Answer. I don't remember that I do. I am trying to think.

Question. Where negroes are whipped or otherwise maltreated, are they free to appear as witnesses against the men who have maltreated them; or are they deterred from instituting proceedings through fear of further punishment?

Answer. They are in big fear. That is my impression; because I have talked with a great many. I honestly believe you could not get five men across that river before this committee; any colored man that has been ill-treated. That same man, Henry Dew, I was talking with him Monday night; he would not come over here under any consideration.

Question. What was the reason?

Answer. He was afraid; he couldn't tell what would take place if he came here and made any statement.

Question. Where the colored men have been whipped, did the Ku-Klux tell them what they would do if they attempted to punish them?

Answer. I heard of one man; after they whipped him they told him, "Now, sir, if you want to go and report, you do it, and we will punish you then for your stealing." I believe that is the way they came to him. They told him he had been stealing some, and they would whip him for that, and if he reported them for whipping him they would then punish him for his stealing.

Question. So you think that where colored people have been abused they are afraid to report their cases to court for fear they will be punished further?

Answer. Yes, sir; I do honestly think that. I was here Tuesday, and that man got after me out there and I felt pretty bad, and I went for home. I walked from here back. I did more walking than I have done in twenty years in that length of time; I am crippled in one leg, as you can see; I can't do much walking; but I did that day, because I felt uneasy, very much, because I didn't know what the terms were.

Question. Do you know of any colored men staying away from the polls and not voting for fear they might lose their places or their employment, or be otherwise injured, in case they voted the radical ticket.

Answer. Yes, sir; I do know several men in that situation. They have been so; furthermore they decline [incline] to stay away from the polls without they can see some way for protection. That is the case in a great many cases, certain.

Question. What are the colored people up in Greene County thinking about doing to better their condition; are they talking about emigrating to some new country?

Answer. A great deal; there's mighty big talk; most people up there don't care to move, but in the situation they are now in, they can't live there; they want to emigrate.

Question. Do they feel secure as things now are, in their lives and persons, in Greene County to remain there?

Answer. They don't claim to by and large—that's certain.

Question. Do you think negroes are in any safer condition, where they come out openly as democrats, and agree to vote the democratic ticket? Are they molested in the least when they become democrats?

Answer. There is a great deal of difference in them then. They become better satisfied—more reconciled to the situation; of course they feel it. Now, when he signs a piece of paper to stick up to the democratic party, they tell him they will see him protected and take care of him.

Question. Do they protect the colored people when they come out and join the democratic party?

Answer. Well, they got along; they do very well. They do get better credit than when they went strong republican, and they can have more influence.

Question. Do the colored people in Greene County think that a great deal of this persecution against them is because they vote the radical ticket?

Answer. That is the main cause; that is what they think generally.

Question. Do you think it is true that much of this persecution is attributable to that?

Answer. I do, from what has been said to me. I drawed up a card to put in the Whig to resign my republican principles. I did that myself.

Question. Is the Whig the name of the paper?

Answer. Yes, sir; the Eutaw Whig. I drawed up the card last spring.

By Mr. RICE:

Question. What was the nature of the card?

Answer. It was that I acknowledged I had been a republican—a strong republican—and had done all that it was my duty to do; but since the question had got as it was, I would resign and claim to have no more to do with republicanism, or any political duties whatever; and if they would just let me escape and go, I was done with all these things, and not take them into consideration.

Question. Did the democrats seem to be pleased with it?

Answer. A man told me that was worth a thousand dollars to me.

Question. That card?

Answer. Yes, sir; I told him I was very glad to hear that, for I was sort of dissatisfied in my present situation.

Question. Did you sign that card in order to buy your peace, in order that you might be better protected in the community more secure in your rights?

Answer. I did at the time; I felt that that was my safest plan; that is the way it came.

Question. You are still as much a republican in your sentiments as ever?

Answer. Yes, sir; I stand square, I am.

Question. Do you not think that is the case with most of the colored people who have agreed to vote the democratic ticket?

Answer. I do.

Question. Do you think it would be safe for you if it was known up in Greene County that you had been before this committee and testified to these things you have to-day?

Answer. I don't think I would like to go back any more; that is the fact, honestly. I don't feel satisfied.

By Mr. BUCKLEY:

Question. Do you think that in the election which was held last year in Greene County the colored people voted freely, without any fear or intimidation?

Answer. No, sir; they didn't. I voted the radical ticket, but I voted in fear myself. There was a man standing at the polls; one fellow came up to me with his ticket open. He looked on and said, "That is a nasty ticket." He said, "Let me see that ticket." I folded it up. He said, "I want to see the first letter inside." I said, "It is no difference." He said he only wanted to see my ticket inside—to see what I voted. I know of numbers of men that were interfered with. Many didn't come to the polls at all. I know an old fellow that was raised with me. He told me he wouldn't go on that account.

Question. Is it, in your opinion, through such influences that Greene County was made to cast a democratic majority last year?

Answer. Well, sir, I think so; I feel confident about that fact. If everything had been left to everybody's own opinion, it would have went, as strong as ever, republican. That is my opinion about it; for I had seen no variation in no man that has ever voted the radical ticket, except from fear. I know the opinions of colored men right smartly, how they feel about these things, and I know how I have felt.

Question. Do they still feel intimidated and unsafe there?

Answer. Yes, sir; they do to-day, in my opinion.

Question. Before last year, were your elections generally free?

Answer. Pretty free. Our elections have been going pretty free.

Question. Men could vote before that as they pleased?

Answer. Pretty much as they pleased, and nobody interrupted them, or had a great deal to say; but the thing got to such an extent last year that numbers, I think, never went to the polls at all; because they felt doubtful on that account. Some said we would lose our places; one man told me he had lost money a good deal by being a republican.

Question. Do you think that any felt that they would be violently treated, by whipping or outrage?

Answer. No doubt, some did. I believe some did, because in the upper part of the county several fellows told me they would vote, but fellows asked them what sort of a ticket did they vote. The fellows in the upper part of the county would come up to a man and ask him what kind of a ticket he would vote. He would tell them, and they would tell him they wouldn't be in his shoes to vote that ticket, and that would make many a one stop from voting.

By Mr. BLAIR:

Question. You say you came down here last Tuesday?

Answer. Yes, sir.

Question. Were you subpœnaed to come down here?

Answer. I got a notice to come down here on last Tuesday.

Question. You do not know the man?

Answer. No, sir; I didn't know where it came from.

Question. I refer to the man that spoke to you here?

Answer. No, sir; I can't tell you who he was.

Question. What did he say?

Answer. He told me he wanted to see me. I went to him. He asked me what was I doing here. I told him I wasn't doing anything. He asked how I came there; I told him I was subpœnaed before this committee. He asked where I lived; I told him Greene County. He asked what part; I told him down by Bluffport. He says, "I don't believe it. I believe you are from Black's Bluff. I think you live about Black's Bluff." I told him, "No, sir; I never saw Black's Bluff in my life." He says, "You are in a bad place, if you know it, and you had better leave." He then went off, and came back and told me to just stay, and I would find out the result. He then left me; I didn't say anything to him. I staid there awhile after that, and then I left.

Question. You never saw the man before?

Answer. If I did I don't know it.

Question. Were you ever in this place before?

Answer. Yes, sir; I have been in this place before, but it has been a long time. I never have been in this place before since 1862. I passed through going down to this lower place, York Station, where I was working, in 1862; I have never been here since until last Tuesday.

Question. Dou you think you would know him if you were to see him again?

Answer. I wouldn't certify I would know him. I might, but I would not swear I would, because I might not.

Question. Was he a large man?

Answer. No, sir; a small man, a low man. He was not larger than that man, I suppose, [Mr. Barber, the clerk.]

Question. How was he dressed?

Answer. Very common.

Question. What time of day was it?

Answer. It was about 10 o'clock, and I left here a little after 11.

Question. You were arrested, you say, about eleven miles from Eutaw, traveling on the Gainesville road, on a charge of murder?

Answer. Yes, sir.

Question. Who were you charged with murdering?

Answer. A man by the name of Mr. Flem. Cross, his wife.

Question. You were charged with murdering Flem. Cross's wife?

Answer. Yes, sir.

Question. Where was he living?

Answer. He lived right on the Gainesville road, leading from Gainesville to Eutaw.

Question. How far from where you were?

Answer. It was about four miles from where I was when I was arrested, as well as I can remember.

Question. How was she murdered?

Answer. That is something I cannot tell now. I can only tell what I have heard.

Question. What did you hear about her murder?

Answer. It was said she was poisoned; and the way it was reported was, that they ate supper on Monday night and all the family took sick, and the children and she died, and it was said she was poisoned, and I was charged with it; that is the way it was.

Question. All the family were sick?

Answer. That is what they said—well, three or four of them, anyhow—that is the way it was reported. It was a place I never did go to; I never did know anything about it.

Question. Were you never at the house?

Answer. I helped build the house when it was made; but I had not been there for two years before that time—before that night I was arrested and taken there. I had not made a track in the yard for two years back. There was a public road in about two hundred yards of the house where I passed occasionally, but only once in a while even then.

Question. How was it alleged that you had poisoned her?

Answer. From the understanding I got of how this was done, it was said it was put in the victuals; I do not know what; some said one thing and some another—strichnine or something or other put in the victuals when they were carried to the supper-table. When I was arrested, and it came on for trial, the night she was taken sick, I had twenty-five witnesses, I expect, to show where I was from sun-up in the morning until 12 o'clock at night. I had witnesses to show where I was at any time of the day or night, white and black, and I suppose that is what cleared me. They couldn't get no witnesses. I never could learn how this thing—yes, I did learn too, but they didn't tell me this; but one of my brothers, that was in prison when I was, told me an old widow lady told him she got after the doctor about how came he to start such a thing, and have us all put in prison there with a false report. She was with her, and she declared it was not so; that there was no poison about it; that they had killed a fresh hog, and she had eaten too much; and she was pregnant; and she eat a good deal, and it commenced in her bowels; and from that it turned to a flux, and that killed her. The child was dead two days before. It was taken from her before she died.

Question. Who told you that?

Answer. Mrs. George said she asked the doctor how this thing came about. The doctor told her he didn't do it; that a colored man, Matt Horn, told him directly, that he saw a man, and that that man told him he saw me and those boys making up the stuff to poison Mr. Cross's family. That is the way it came. My brother told me Mrs. George told him that Dr. Sanders said that a man told him that he saw a man that saw us making up the stuff to poison them. There was nobody acknowledged that fact, though. When it came out, the grand question was, this old lady taken was cooking for Mr. Cross. She was in prison when I was. She was cooking at this place, and was taken up. That was Louisa and her son Stokes.

Question. The old lady and her son Stokes were taken up on the same charge?

Answer. Yes, sir. Stokes lived as far from there as I did, and I didn't know how he was taken up, but he was taken up.

Question. You were arrested by the sheriff?

Answer. I was arrested by a man deputized by the sheriff, I suppose, according to what he said.

Question. How came Stokes to jump off the mule and run?

Answer. I am unable to say; I could not tell that, because I was not there when he jumped off. He did it, I suppose.

Question. The old lady jumped off and ran also?

Answer. Yes, sir; after Stokes jumped off. They turned from her and tried to get Stokes, and while they were after him she tried to go the other way, but she did not go far.

Question. Who was this you were mending a pistol for when you were arrested the second time?

Answer. A man named Jim Graves.

Question. Did he put the pistol in your pocket?

Answer. No, sir; I did not see him. He sent it to me by another man—by my brother Willis.

Question. Who put the pistol in your pocket?

Answer. Willis. He brought it to me that morning, and told me that Graves sent it there for me to fix up; and my coat was there, and he stuck it in my coat while it was hanging up in the tree at the time, and he went off about his business.

By the CHAIRMAN:

Question. That was the pistol you were to repair, was it?

Answer. Yes, sir.

Question. And you were taken up a second time for carrying that pistol as a concealed weapon?

Answer. Yes, sir.

By Mr. BLAIR:

Question. How was it known you had the pistol?

Answer. When they went to put me in jail, and I got to the jail-house, they searched me to see what I had, and they found the pistol down at the bottom of the coat, in the lining.

Question. If they arrested you on that charge, they must have known you had it?

Answer. No. When they took me on the first charge they found it, and when I was discharged on that they arrested me on this.

Question. You had it when you were first arrested?

Answer. Yes, sir; in my coat-pocket. My coat was hanging up, and a boy brought my coat to me, and I went to the court with it in my coat-pocket, down at the bottom, in the lining of the coat, through the hole where it went down.

Question. How long did you stay in prison on that charge?

Answer. They did not get me in prison. I happened to get bond.

Question. Did they ever try you?

Answer. No, sir; I got a $50 bond for appearance at last court, and I served the court there, and it didn't come up. About a month ago the sheriff came up to me and I had to go and give a $200 bond.

By the CHAIRMAN:

Question. On the same charge?

Answer. Yes, sir. Now, I have to make my appearance at court next month on that thing again.

By Mr. BLAIR:

Question. You say Guilford Coleman was taken out of his house and killed?

Answer. Yes, sir; that is my impression.

Question. How do you know he was killed?

Answer. His wife says a man came and took him out, and when they carried him away two men staid and guarded her, and wouldn't let her open her mouth. The men that carried him off had been gone for a smart little while, and another came back and made a sort of whistle, and they turned around and went off, and he hasn't been seen or heard of since. The idea was, them stubbles which looked like long switches worn out; they tracked them and found them along, and they judged from that that he was killed. They said they saw blood occasionally in tracking him. That is the report that was given me by those in search of him.

Question. His body has never been found?

Answer. No, sir.

Question. Nobody knows but that he is still living, then?

Answer. No, sir; and nobody can tell where he is.

Question. What does the woman say—that these men were disguised?

Answer. Yes, sir.

Question. Did she say so?

Answer. Yes, sir; them that she saw she said were disguised men.

Question. Who killed Caldwell?

Answer. I don't know, sir; I never heard who killed him.

Question. Sam Caldwell was the man who had murdered a man for his money, was he not?

Answer. No, sir; there were two Sams—young Sam and old Sam. Young Sam was charged with murdering a man for his money, but old Sam was not; and this is the old man I speak of. I don't know what became of young Sam.

Question. Were not both of them arrested for that murder?

Answer. The old man was not, that I ever heard of. I don't remember of it, if he was.

Question. Where was he killed; at his house?

Answer. No, sir; he was found somewhere hanging on a tree. I don't know exactly the place where he was killed at, but I know somewhere near by. It was about Springfield; somewhere between Springfield and Union.

Question. By whom was he killed?

Answer. I do not know who he was killed by; I couldn't say.

Question. Who was he said to have been killed by?

Answer. I have heard they were disguised mén he was killed by. That is about as much as I could say.

Question. Did anybody profess to have seen them do it?

Answer. Not that I know. I can't tell you a thing about that part, because I was not there. It is a right smart piece, and I don't know as I ever heard anybody say that they saw anybody with him, even; that is, no further than his own family. Of course, they knew what sort of men took him out. That is the report of them. His wife I saw several times since then.

Question. You say old man Littleton Hood was whipped with a pistol-belt?

Answer. Yes, sir; with the buckle-end of it—a long leather strap, with a buckle on the end of it. That is what he told me. He lived in sight of my house. His wife came to my house that night. I was not at home.

Question. One of the men that whipped him took off his mask?

Answer. Yes, sir; from what he said he throwed it over, and took off his pistol-belt and beat him, and after he whipped him a long time, he throwed this thing back from his face and asked him if he knew him.

Question. He said he did not know him?

Answer. He told him he didn't know him.

Question. Who was this man talking with you when you were going around building screws; who told you they would give you no work unless you voted the democratic ticket?

Answer. Old Squire Jolly.

Question. Where does he live?

Answer. He lives at Mount Hebron—up there on the road from Gainesville to Clinton.

Question. What did he say about it?

Answer. I can't exactly tell. He has talked with me a great deal about things and affairs; how and what and all. I know he told me a man of my standing, going about working, and voting as I did, could not expect work; they wouldn't give it to me unless I changed my position. Well, we talked a great deal. I can't recollect how the subject came all along, all together.

Question. What did you tell him?

Answer. I never told him but a very few words. I told him at that time that I had been badly represented; that people had said a great deal more about me than I was. He told me he didn't believe all, because people had told him I was a leader, and that was the ground he was working at me; carrying out my politics, voting and leading off others; that I would become unpopular, and had become very unpopular, and would not get any work under these circumstances; that people would not give it to me.

Question. What was the name of the man who told the colored man he should leave his place?

Answer. That was Nathan Carpenter.

Question. What was the colored man's name?

Answer. Randall Walker.

Question. What negro was it that told you he was afraid to appear as a witness?

Answer. There's old man Henry.

Question. Henry what?

Answer. Henry Dew—the fellow that was shot.

Question. Did he say that he knew any of the people that shot him?

Answer. He told me he did. He said there was a man standing there, and he knew him as well as any man he ever saw.

Question. But was afraid to say who he was?

Answer. Yes, sir; he wouldn't tell me who.

Question. Who was it told you he was afraid to vote?

Answer. There was one man—Washington Brown and Wiley Brown.

Question. They did not vote, did they?

Answer. Washington didn't vote.

Question. The other did?

Answer. I don't know whether he did or not. I have never heard him say. I can't say for certain whether he did vote or not.

Question. You voted, did you not?

Answer. Yes, sir; I told you so.

Question. You published a card in the newspaper?

Answer. I drawed up one, and I gave it to a white man. I don't know whether he published it or kept it. He said he was going to do it.

Question. When was that?
Answer. Last April. Several men told me they saw it; I don't know.
Question. What reason did you give in that card for leaving the republican party?
Answer. I just give this reason: that I acknowledged that I was a radical, and had been; and I claimed if they would give me any rest or satisfaction, I would lay that down and publish it, and come out and say I would have no more to do with radicalism, and was done with politics in that respect.
Question. Did you write it yourself?
Answer. No, sir; I didn't write it myself, because I can't copy.
Question. Who wrote it?
Answer. Stephen Brown.
Question. Did Stephen Brown persuade you to write it?
Answer. No, sir.
Question. You just went to him and asked him to write it?
Answer. Yes, sir. A great many other people had been talking to me about it, and he was friendly to me; and I went to him and told him what I would like for him to do for me.
Question. Where does he live?
Answer. He lives in Greene County.
Question. In Eutaw?
Answer. No, sir; he lives ten or eleven miles from Eutaw, near Gainesville; near Boligee, eight miles below Gainesville.
Question. Did you tell him the true reason?
Answer. Yes, sir; I told him my true reasons; what I wanted him to do it for.
Question. You told him you did it because you were afraid?
Answer. Yes, sir; because I was afraid to stay and claim myself a radical; that I would just try it from this, and come out and be a fair democrat.
Question. Did you tell him you did it from fear?
Answer. I did not tell him I did it from fear; that was understood. He knew what I did it for—fear. I told him I would do it because, in my present situation, I could not live satisfied with it, and if that would give me any situation or better showing, I wanted him to draw it up; and he said he would do it.
Question. Was that your object—to get more work?
Answer. No, sir; I was not after work; I had as much as I could do anyway; it was not on the work principle. I did it in order to secure my peace, so I could rest satisfied.
Question. Who told you that was worth a thousand dollars to you?
Answer. There was a young man, William Conico, told me it was worth a thousand dollars to me—just that thing. My brother William had one put in too.

LIVINGSTON, ALABAMA, *November* 2, 1871.

EDWARD CLEMENT SANDERS sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.
Answer. I reside at Gainesville; I am by occupation a carpenter.
Question. How long have you lived there?
Answer. About thirty-eight years.
Question. What is the condition of the community in which you live as to peace, quiet, and the observance of the laws?
Answer. First-rate, sir, I think; good.
Question. Have there been any disorders in your community, any disturbance of the peace at any time?
Answer. At what time—lately?
Question. At any time since the surrender.
Answer. There have been some little scrimmages around there, fighting occasionally, as I reckon there is in all places.
Question. With what party have you been in the habit of affiliating?
The WITNESS. In politics?
The CHAIRMAN. Yes, sir.
Answer. Before the war I was a whig.
Question. Since the war what have you been?
Answer. Well, not much of either.
Question. What do you know, if anything, of any combinations or organizations of men in that community, at any time, who have been in the habit of prowling through the country at night in disguise?

Answer. I do not think there is any.
Question. Have you heard of any such organization that was organized in Gainesville?
Answer. No, sir; not particularly.
Question. Organized there, to operate through the county in the night-time?
Answer. I have heard of them coming there once.
Question. Coming to Gainesville once?
Answer. Yes, sir. That is only report.
Question. Give us your information on that.
Answer. It was reported that they came there one time; I think only one time.
Question. When was it?
Answer. That was last year some time, I think; I know it was.
Question. What are they called—Ku-Klux?
Answer. That is what it is generally understood they are called.
Question. That was last year?
Answer. Yes, sir.
Question. What did they do?
Answer. They came there and killed a man by the name of Richard Burke.
Question. Did you hear the firing?
Answer. I did not, sir.
Question. Were you in town at the time?
Answer. I was.
Question. You knew nothing about it till next morning?
Answer. Yes, sir.
Question. Did you see his dead body then?
Answer. I did not.
Question. He was a member of the legislature?
Answer. He was.
Question. And a colored man?
Answer. He was.
Question. Was anybody taken up for the killing?
Answer. There was not that I know of; I think none.
Question. Was any effort made to find out who his murderers were?
Answer. Not just at that time.
Question. Was there at any time?
Answer. There was before the grand jury. I don't remember exactly what time that was, but in the next grand jury afterwards; I was on the grand jury myself. There was an effort made, but they couldn't find out anything.
Question. How many men were said to have been concerned in murdering him?
Answer. At one time they said there were seventy-five; another time they said about forty; well, from twenty-five to seventy-five, but that was only suspicion, though, for they did not know how many there were, I don't suppose.
Question. Did they come to town on horseback?
Answer. I don't know; it was supposed they did. I think they rode in.
Question. Was it said they and their horses were disguised?
Answer. No, sir; I think not. They fed their horses about a mile from Gainesville, on the Livingston road.
Question. Were the men disguised?
Answer. I think not. I will not be certain.
Question. In what direction did they find they had gone?
Answer. They came from the south; that is, it is supposed they did, as they fed their horses about a mile south of Gainesville, and they went out towards the west.
Question. They came from the south, and went out westward?
Answer. Yes, sir. I cannot tell you exactly, because I don't know anything about this but what the people said—common report.
Question. In going west, they would go towards the Mississippi line?
Answer. Yes, sir.
Question. In coming from the south, what point would they come from?
Answer. The south is towards Livingston, right on the Sumterville road; that is ten miles from Gainesville.
Question. Have you heard of any other outrages upon colored persons besides the one upon Burke?
The WITNESS. About Gainesville?
The CHAIRMAN. Well, in the county.
Answer. There have been several; I don't know whether you would call them outrages or not.
Question. What do you call them?
Answer. I call it justice.
Question. Murders, do you mean to say; several murders?
Answer. There was one man taken out of jail here, I recollect; he called a man up to

sell him some corn, and, as he came to the door, he shot him. There was a party took him out of jail and shot him.

Question. What was his name?

Answer. Jasper.

Question. You call that justice?

Answer. Yes, sir.

Question. You think they were justified in killing him?

Answer. I do.

Question. Do you not think it would have been better to have let the law take its course?

Answer. I do not; not in that particular case.

Question. Did you understand that they were Ku-Klux that took him out of jail?

Answer. No, sir; I did not hear who it was. I just heard there was a party took him out of jail.

Question. Did they hang, or shoot him, or both?

Answer. I think they did both.

Question. Give us some more instances of "justice," as you think, administered by the Ku-Klux.

Answer. I think the man that was connected with some case—I forget his name now—I think he was killed; I think that was justice, if you want to know my opinion about it.

Question. Who was he?

Answer. I forget his name now.

Question. Was he a colored man?

Answer. Yes, sir.

Question. He was in jail?

Answer. No, sir; he had run away.

Question. He was taken and killed, was he?

Answer. So report says. Of course, I don't know any of these thing. I am telling you exactly what I heard.

Question. Killed by a body of disguised men?

Answer. I don't know whether they were disguised or not.

Question. Killed by citizens, or killed by men?

Answer. I don't know whether they were citizens or not.

Question. Killed in the night-time?

Answer. Yes, sir.

Question. At his house?

Answer. Yes, sir; I think so. That is what I heard.

Question. You think that was justice that they administered to him?

Answer. I do, sir.

Question. Go on with your enumeration of cases of what you call "justice," administered by disguised men.

Answer. I didn't say they were disguised. You understand that, because I don't know whether they were disguised or not.

Question. Leaving out of the question whether they were disguised bodies of men or not, are there any more instances you have heard of, by bodies of men at night?

Answer. Not that I recollect of right now; but there were some killed in the county that I don't remember of right now.

Question. Did you hear of this man that was taken out of jail here in the latter part of September, and taken out near to the river, and killed—shot?

Answer. Yes, sir; I heard of that.

Question. What was his name?

Answer. I do not know, sir.

Question. Zeke High?

Answer. I do not know.

Question. Did you understand that was a case of justice, too.

Answer. I am not telling you what I understood was a case of justice; I am telling you in these other cases what I thought was justice.

Question. You heard of the man being taken out of jail here the last of September by a body of men?

Answer. Some time just before court; court was in October.

Question. Did they shoot the man?

Answer. I don't know whether they shot him or not; I think they did. He was killed, anyhow—either hung or shot.

Question. Did you hear that they were disguised?

Answer. I did not; I don't pay much attention to these things.

Question. Have you heard of any more murders, inflicted by two or more men at night?

Answer. No, sir; I don't think I have. I don't remember them right now.

Question. Have you heard of any instances of any negroes being whipped?

The WITNESS. Taken out and whipped?
The CHAIRMAN. Yes, sir.
Answer. I don't think I have; I don't remember it right now.
Question. You have never heard, then, of negroes being whipped at night by two or more men, in Sumter County?
Answer. I don't think I have.
Question. Were you in the confederate army?
Answer. I was, sir.
Question. Were you a private, or an officer?
Answer. Private, sir.
Question. How long did you serve?
Answer. From October, 1862, I think, until after the surrender.
Question. Did you ever hear of any such an organization as the Ku-Klux Klan?
Answer. I have heard it reported.
Question. Do you believe that such an organization ever existed in Sumter County?
Answer. I think there did. I don't know whether it was Sumter County; I guess it was, too.
Question. Did you ever hear what they did?
Answer. The Ku-Klux?
Question. Yes, sir.
Answer. All the things I have been telling you are laid on the Ku-Klux.
Question. But you have not told us many things. Was anything else ever laid to them that you have not told the committee?
Answer. I have told you about all I recollect.
Question. You have told of but two or three cases.
Answer. I don't know whether I have or not.
Question. Does that embrace all that you have heard of?
Answer. I have heard of lots of things that have passed my recollection; it was of no importance to anybody.
Question. Was it considered of no importance when a negro was killed or whipped?
Answer. O, yes; but in our neighborhood there was but very little of that done.
Question. Did you not hear it in other parts of the county?
Answer. I did, by hearing people talk; but I don't know whether it was so or not.
Question. I am asking for your information.
Answer. It was said there were men killed in different parts of the county.
Question. A great many killed by the Ku-Klux Klan in different parts of the county?
Answer. I don't know whether it was Ku-Klux or not; they said there were a good many killed; once in a while I heard it. I live eighteen or twenty miles from here, and then it is eighteen or twenty miles from here to the lower part of the county. Sometimes I heard of men killed in the lower part of the county, but at twenty-eight or thirty-eight miles' distance, in a country like this, people don't hear anything about it.
Question. Do you read the newspapers?
Answer. Yes, sir.
Question. Do papers mention these cases?
Answer. Sometimes they do, and sometimes they do not.
Question. These things would occur and the newspapers would say nothing about them?
Answer. Yes, sir; that is so.
Question. Do you read the Livingston Journal?
Answer. Yes, sir.
Question. Regularly?
Answer. Yes, sir; I never subscribe to it.
Question. You saw a good many cases there of whipping and murder?
Answer. Yes, sir; some.
Question. Would you think you heard of twenty or thirty cases of whipping and killing negroes from first to last?
Answer. Yes, sir; I think I did; either through the papers or people talking.
Question. Did you ever hear of negroes being whipped on account of their voting the radical ticket?
Answer. No, sir; I never did in my life.
Question. Did you ever hear that this Ku-Klux Klan was a political organization to promote the success of the democratic or conservative party?
Answer. No, sir.
Question. You never heard of that?
Answer. No, sir.
Question. Did you ever hear that they were composed of Democrats exclusively?
Answer. No, sir.
Question. Did you ever hear that there were any republicans in this Ku-Klux organization?

Answer. I don't know. I have heard of people that were accused of belonging to it that said they were republicans afterward. I don't know whether they were republicans, or whether they belonged to it.

Question. You have not known many white republicans in Sumter County?

Answer. Very few.

Question. Do you think a baker's dozen in all?

Answer. Yes, sir; I guess there is more than that.

Question. Count them up, and tell us how many white men in Sumter County vote the republican ticket at this time.

Answer. I cannot tell. They vote here by ballot, and I could not tell how they vote. I do not know.

Question. But you knew their sentiments?

Answer. I know of some.

Question. You never voted the radical ticket yourself?

Answer. The last election I voted I did not vote nothing but a radical.

Question. That was 1870?

Answer. Yes, sir.

Question. You voted for Governor Smith?

Answer. No, sir; I did not vote for him.

Question. Did you vote for Governor Lindsay?

Answer. No, sir; I just voted a single ticket for R. A. Meridith.

Question. That is the only candidate for whom you voted?

Answer. Yes, sir.

Question. Did you call that a straight-out republican ticket?

Answer. No, sir; he is a republican, and a particular friend of mine, and a mighty good man, and it makes no difference to what party he belongs; I would vote for him in any party.

Question. You did not vote for him because he was a republican?

Answer. No, sir; I did not go for party; I voted for him because of other reasons.

Question. What did you understand this Ku-Klux Klan was gotten up for?

Answer. I understood it was gotten up for the protection of the whites.

Question. Were the whites not able to protect themselves?

Answer. O, no; not if the negroes had been organized properly.

Question. You understood it was gotten up to protect the whites from the negroes?

Answer. Exactly.

Question. What were the whites afraid the negroes would do; kill them all off?

Answer. Some were afraid of that.

Question. You did not believe that?

Answer. No, sir; the negro is too cowardly.

Question. You knew he was harmless and inoffensive?

Answer. No, sir; I knew they were beastly, and if they got their passions excited you couldn't control them; and there were white people with them; if you got them started, the devil only knows how it would end.

Question. Did you ever own a negro yourself?

Answer. No, sir.

Question. You were, in principle, opposed to slavery?

Answer. No, sir; not exactly; if I had had the money I would have had them. I would have liked to have had some slaves. I don't care whether they were white or black, if I could have had them and worked them at my bidding.

Question. So you thought slavery a good thing?

Answer. Yes, sir; I do so yet.

Question. You think it would be a good deal better for the negroes if they were back in slavery now?

Answer. Yes, sir; I am confident it would be better for a large majority of them.

Question. You do not believe in this thing called negro suffrage at all?

Answer. No, sir.

Question. You have no idea they understand how to vote, or that it is any benefit for them to vote?

Answer. I am satisfied they don't understand anything about it.

Question. Do you think they vote sensibly when they do vote?

Answer. I do not. I am speaking of them as a class; there may be some very intelligent negroes who understand.

Question. Do you believe in negro schools?

Answer. I do.

Question. Do you think they are doing a good thing?

Answer. I do.

Question. Are they educating the negro children pretty fast?

Answer. Well, some of them are doing very well, if they had the money. They do teach some four or five months in the year. I think the best thing for the country is to educate the negroes and make them citizens.

Question. But if they are to be slaves again, you do not think that educating them would benefit them?

Answer. I do. I think it would make them better slaves if they were educated.

Question. Do you think the whites generally would like to have them returned to slavery again?

Answer. No, sir; not from common report, I do not.

Question. Do you think the whites generally are satisfied that they have become voters now?

Answer. I don't know; I have never heard many people express themselves about it; but while I say of a negro that I don't think he ought to be entitled to vote, I think a good many white people ought not to be entitled to vote at the same time.

Question. Why not?

Answer. I do not think they are qualified. I do not think they understand what they are doing.

Question. Your idea is that no man ought to be allowed to vote unless he is intelligent?

Answer. Exactly.

Question. Would you couple with that property also?

Answer. No, sir; I would say if he had intelligence he would be entitled to vote.

Question. What amount of intelligence would you have to qualify a man to vote?

Answer. I think he ought to read and write, and understand what he reads and writes.

Question. Understand the Constitution and laws of his country?

Answer. Yes, sir.

Question. Your idea is that no man ought to be allowed to vote unless he has that grade of intelligence?

Answer. Yes, sir; you are right just about there.

Question. That would exclude a great portion of the negroes?

Answer. Yes, sir; and a good portion of the whites.

Question. Are there many whites in this part of the county that this rule would exclude?

Answer. Not a great portion; but some it would. If a man can't read or write, or understand what is written, I do not think he ought to be entitled to vote, and I don't suppose you do either; do you?

Question. Are the white race here generally satisfied with the negroes being allowed to vote now?

Answer. I don't know whether they are satisfied or not; they electioneer here with them a good deal.

Question. They do electioneer with them?

Answer. Yes, sir; both parties do.

Question. There are not many white radicals left to electioneer with them?

Answer. Yes; some.

Question. They have been rather outgeneraled by the democrats; have they not?

Answer. I don't know; the last election went democratic in our State.

Question. Very largely?

Answer. I don't think it did; not more than two or three thousand for governor; maybe four thousand.

Question. I speak of this and Greene County; was there not a great change here and in Greene County?

Answer. Yes, sir.

Question. You think the negroes voted freely, without any apprehension?

Answer. To all appearance they did.

Question. What is your own private opinion about it?

Answer. I think they voted the democratic ticket, because it was for their pecuniary interest to do so.

Question. They feared they would lose unless they voted that ticket?

Answer. Yes, sir.

Question. You think the employers would have thrown them off, or deprived them of employment, if they had not voted the democratic ticket?

Answer. No, sir.

Question. But you think the negroes feared that?

Answer. No, sir; I think they thought it was for their interest to vote the democratic ticket.

Question. Why?

Answer. It was told them that they would have the taxes less, and the schools more months in the year than they had heretofore, if they voted the democratic ticket.

Question. Have you ever heard of a negro being whipped or otherwise outraged for being a radical, or voting with the radical party?

Answer. No, sir; I never heard of such a case; not in my neighborhood. I don't

think there has been in this county. I seldom ever go to Greene County, and seldom ever go from home.

Question. To come back to this Ku Klux Klan; you say you understood it was organized to protect the whites against the blacks?

Answer. That was the general understanding.

Question. In what way were they to protect the whites?

The WITNESS. The Ku-Klux?

The CHAIRMAN. Yes, sir.

The WITNESS. What do you call Ku-Klux?

The CHAIRMAN. This organization you speak of.

Answer. There was not an organization; it was a sort of a general understanding to have some concert among the white people, so that, in case the negroes should begin to get a little too large and to overrun, that they wanted some one to protect them. It was generally understood here that the negroes were going to have forty acres of land and a mule in this county; so they said—that the Yankees were going to give them forty acres of land and a mule; and a great many of them had picked their horses and land; and there was what was called Leagues here, it was said; and eight hundred or a thousand would parade through Gainesville. That is the only place I saw them, a place not larger than this, and they would kick up war.

Question. What?

Answer. They would march up and down, and insult white folks, and you would have to give the road.

Question. That was when they were marching in procession?

Answer. Yes, sir.

Question. Did you understand that the Ku-Klux Klan was to put a stop to this?

Answer. This League was organized before, and my understanding is they were to get up something to counteract this thing—to have an offset—something to protect themselves. They were just riding over the whole community.

Question. The negroes were—in those processions?

Answer. Yes, sir; on the streets, too.

Question. In the streets of the town?

Answer. Yes, sir.

Question. Running over the white folks?

Answer. Yes, sir.

Question. Jostling the white folks off the sidewalks?

Answer. Yes, sir.

Question. Beating them?

Answer. No, sir.

Question. Impudent to them, and calling them names?

Answer. Yes, sir.

Question. This Ku-Klux Klan was gotten up to counteract these things?

Answer. Yes, sir, I understood so.

Question. Did you understand they were to accomplish their end by whipping the negroes?

Answer. No, sir; the way I understood it, it was generally thought and spoken of as a white man's party, to protect the whites against the negroes.

Question. How did you understand they were to protect them? What were they to do to protect the whites?

Answer. To protect them with arms, if no other way; by force.

Question. And, if necessary, to kill off some of these turbulent negroes?

Answer. No.

Question. Whip them?

Answer. No; I never heard that.

Question. You never understood they were to employ any violence?

Answer. No, sir.

Question. Were they to preach or pray for it?

Answer. They were to stand just so—as the white man's party.

Question. Were they to ride at midnight?

Answer. No, sir.

Question. To visit negroes' cabins?

Answer. I never heard of that.

Question. Did you ever hear that they did such things—parading at midnight?

Answer. Yes, sir.

Question. Dressed in fantastic costumes?

Answer. Yes, sir.

Question. Armed?

Answer. Yes, sir.

Question. What were these parades at midnight for?

Answer. I don't know.

Question. Did you ever know a Ku-Klux?

Answer. No, sir.
Question. Did any one ever tell you he belonged to the order?
Answer. I don't think they ever did; not right straight out.
Question. How near did they come to it?
Answer. They never came any where near; they can't intimate such a thing, that they belong to such things.
Question. Did you ever hear what the oath of the members of the Klan was?
Answer. No, sir.
Question. You never heard it repeated?
Answer. Yes, sir; I have heard it repeated.
Question. What did they swear to?
Answer. I do not remember about that.
Question. Where did you hear it repeated?
Answer. In Gainesville.
Question. By whom?
Answer. I do not remember now.
Question. Where was it repeated; in some room there?
Answer. I think it was.
Question. Describe the room it was in.
Answer. It was in a room with a fire-place in it, about 16 by 18.
Question. What was the name of the house?
Answer. Reavis's office.
Question. Judge Reavis?
Answer. Judge Reavis.
Question. It was in his office?
Answer. Yes, sir.
Question. Who repeated the obligation?
Answer. I don't remember who it was.
Question. Was it the initiation of some man into the order?
Answer. Yes, sir.
Question. Who administered the oath?
Answer. I told you I didn't remember who.
Question. Was he a stranger to you?
Answer. No, sir.
Question. You knew him at the time?
Answer. Yes, sir.
Question. But you cannot call his name, now?
Answer. No, sir.
Question. To whom was that oath administered?
Answer. Me.
Question. What did you swear?
Answer. I told you I didn't remember; you asked me that a little while ago. I can't remember.
Question. Can you not remember anything of it?
Answer. No, sir.
Question. So they got you into the order, did they?
Answer. Yes, sir.
Question. How long did you stay with them?
Answer. That is the only time I was ever there.
Question. Did you ever parade with them?
Answer. No, sir; I don't think they ever had any parade. That pretended to be a secret thing.
Question. How many members of the order were there?
Answer. I don't know.
Question. How many were there in that office?
Answer. I think there were two or three. I don't remember how many there were.
Question. Did they swear you on the Bible?
Answer. No, sir; I think not.
Question. Did they swear you with the uplifted hand?
Answer. I don't remember; it has been so long.
Question. Did you sign anything?
Answer. No, sir; I never signed anything there.
Question. Were you blindfolded?
Answer. No, sir.
Question. Was it in the night-time?
Answer. No, sir; in broad daylight; an open thing.
Question. Did they swear you to keep the secrets of the order?
Answer. Yes.
Question. Did they swear you to execute the orders of the chief of the Klan?
Answer. I don't remember about that.

Question. Did they swear you to stand by all the members of the order?

Answer. I don't remember; we were in a pretty big hurry, and I don't remember much about it. I never went in there but once.

Question. Did they explain to you what you were to do?

Answer. No; I don't think they did.

Question. Who was the captain or chief of the order there?

Answer. [After a pause.] I don't remember now; I think it was a man named Cook. I will not be certain about that.

Question. Is he there now?

Answer. No, sir.

Question. What has become of him?

Answer. He started from there to California last year—no, this year.

Question. About how large a company do you think, from your present recollection, there were in this Klan?

Answer. I don't know, sir.

Question. Did you ever see them mustered or called out?

Answer. No, sir; I never saw anything of that kind; that was just organized for the protection of the whites.

Question. That was explained to you as an organization for the protection of the whites?

Answer. Yes, sir.

Question. In what year was that?

Answer. I don't remember; it seems to me it was about 1868.

Question. It was before the presidential election, was it not?

Answer. Yes, sir.

Question. Were you ever with this company on any of these enterprises?

Answer. No, sir; I was only there that one time. There was only two or three there, and I don't remember who they were. I recollect Cook was one; I forget who the other was. I never paid much attention to it.

Question. What became of that company? Is it in existence yet?

Answer. No, sir; I don't think it existed afterwards as an organization.

Question. How long had it existed before you became a member?

Answer. I cannot say; I think that was just about the first it commenced.

Question. How many men did you talk with who had taken the same oath you had?

Answer. I never talked with anybody.

Question. Did anybody ever tell you he was a member of that order?

Answer. No, sir.

Question. Did you have any signs and pass-words?

Answer. Yes, sir; signs, pass-words, and grips too, I believe.

Question. Do you recollect now what the signs, pass-words, and grips were?

Answer. No, sir; not to save my life.

Question. It was all explained to you at the time?

Answer. Yes, sir.

Question. How long did it take to initiate and give you all the signs, grips, and pass-words?

Answer. About ten minutes; it was all done in ten minutes, I think. I know I was in a hurry, and wanted to get away and attend to some business.

Question. Did that company ever release you from that obligation afterwards? Did you ever formally dissolve connection with them?

Answer. No, sir.

Question. You never heard of this company being called to do anything?

Answer. No, sir.

Question. But you were organized to protect the whites against the blacks?

Answer. Yes, sir.

Question. You were to put down the impudence and insolence of the blacks?

Answer. That was not mentioned.

Question. In case the blacks depredated on the property of the whites—thieving, stealing, &c.—you were to punish them for that?

Answer. That was not mentioned to me.

Question. What was mentioned that you were to do?

Answer. It was an organization for the protection of the whites against the blacks, in case the whites should need assistance, as race against race; that was my understanding.

Question. Were you to obey the call of your chief whenever it became necessary to protect the whites?

Answer. Of course.

Question. That was understood?

Answer. Yes, sir; they would do that anyhow, whether it was an organization or not.

Question. You thought it was right to organize such a body as that?

Answer. No; I never thought anything about it.

Question. You thought they never had done anything but justice, did you?

The WITNESS. Who?

The CHAIRMAN. This organization.

The WITNESS. The organization I belonged to in Gainesville?

The CHAIRMAN. Yes sir.

Answer. I don't think they did anything.

Question. You have spoken of several murders, and say you have heard of some cases of whipping; do you think that those were all acts of justice?

Answer. I don't say all of them were; but I say those that I mentioned were. It does not matter whether it was a negro that called up a man in the night and assassinated him, or a white man; I think the relatives and friends would be justified in taking him out and killing him the same way.

Question. Are not courts organized to attend to that?

Answer. Certainly.

Question. Why do you think organizations should be formed outside of the courts to do that thing?

Answer. Because it makes quicker justice.

Question. But is there not great danger of mistake in such cases?

Answer. Not when it is proved positively on a man. If you assassinated a man, I think his relatives would have a right to take you out and assassinate you, too.

Question. So, according to your opinion, there is not much necessity of courts?

Answer. Not when it is positive, cold-blooded assassination.

By Mr. RICE:

Question. Was Judge Reavis present when you were initiated?

Answer. Yes, sir.

Question. He is a member of the order?

Answer. I do not know whether he is or not; he was present.

Question. Was it understood that this order was composed of the respectable men of the country, from your information, and was the existence of the order pretty general in the county, for the purposes you name?

Answer. Not at the time; I think it was just about started then; I think that was about the first thing.

Question. Did it become pretty general in the minds of the community that such an order ought to exist for that purpose?

Answer. I don't remember that the community knew anything about it, or know it now.

Question. The men that joined it knew about it?

Answer. I guess they do, of course.

Question. Then the respectable portion of the community are aware of it?

Answer. Those that joined; but I don't know how many there were—whether more than three or half a dozen. I know there were three of them.

Question. From your understanding that it was to be a white man's party, did you not understand it was to be general in its character, among the white men of the county?

Answer. No, sir; I did not understand anything about it; it only took a few minutes to initiate me, and just as soon as I was initiated I went out, and I have never been in there since. I don't know what they have done or whether they were called on for anything afterwards.

Question. Do you feel at liberty, from the obligation you took at the time, to tell what did occur?

Answer. Yes, of course I do. I don't remember what the oath was. I only staid in there ten minutes. I was in a hurry at that time.

Question. Have you been residing at the same place ever since?

Answer. Yes, sir, I have been residing there ever since 1833.

Question. Have you learned from any other source anything about the organization in other counties?

Answer. I have not.

Question. Nor whether there is any State organization?

Answer. I have never heard.

Question. You have no knowledge, except what you have given, in regard to that?

Answer. That is all, sir.

Question. You spoke of certain things, in the first part of your testimony, being done by Ku-Klux; have you any knowledge where these Ku-Klux came from?

Answer. I have not; not the least in the world.

Question. You do not know whether they belong to this county or not?

Answer. No, sir; I know what the report was; the report was that they came from Mississippi; but whether they came from Mississippi, of course I cannot say.

Question. What motive would you understand a body of men from Mississippi would have in coming here and punishing men for offenses committed here?

Answer. They would have no motive at all.

Question. They would not come, unless sent for, I suppose?

Answer. I do not know whether they had anything to punish, or any motive, or not; such things I don't inquire into; it is not any of my business, and I have never inquired into it. It is as much as I can do to always attend to my own business, and a pretty tight squeeze to do that.

Question. Are the colored men in this county afraid of the Ku-Klux?

Answer. Some of them pretend to be; some of them are not.

Question. Do you know why it was that Judge Meridith and the other candidates for the legislature did not canvass this county last fall?

Answer. I do not.

Question. Do you think they had fear of violence if they made an open canvass for the republican party?

Answer. I do not know whether they had or not. I have never asked them anything of the kind. I voted for Judge Meridith, and electioneered for him in the town in which I live, without any fear. It is sort o' considered democratic box, and has been.

Question. Did the colored men vote freely there?

Answer. Well, I do not know whether they did or not; so far as my personal knowledge is concerned, I do not know. I know that I electioneered for him openly and publicly, and tried to get him elected.

Question. Were there others who did the same thing?

Answer. I do not know whether there were or not.

Question. You did not see any others electioneering and voting for him?

Answer. No, sir. I found men with democratic tickets, and I scratched one name off and put his name on.

Question. Is it your opinion that there is a necessity for that order in this county now?

Answer. No, sir, I think not; and I do not know whether there is one or not. I do not know whether there has been one here since 1868.

Question. Have the negroes, in a body, committed any violence since the war, that you know of, to have made such an order necessary at any time?

Answer. No, sir, not that I know of.

Question. From your information, have there not been more negroes killed than white men in this county since the war?

Answer. Yes, sir, from report.

Question. Then the necessity for defense on the part of white men is no stronger than on the part of the colored; they did not need protection from violence any more than the colored man does?

Answer. No, sir; I think the negroes are treated very well. I know of one case where the negroes took a white man down and whipped him. I cannot exactly say so, but I am satisfied of it, because they told me they were going to do it, and I saw the white man afterward, and he told me they did do it.

Question. Was anything done with them?

Answer. No, sir; that was done in Gainesville; they took him down and took a carriage trace or brace——

Question. What was his offense?

Answer. He had been taking a negro's wife and run off. The negro got his friends, and, I think, he took the white man down and gave him forty lashes.

Question. Did you regard that as an act of justice?

Answer. Yes, sir.

Question. Did you regard the killing of Burke as an act of justice?

Answer. I could not tell; I do not know the circumstances. I do not know of what he was accused. I know what the report was, but I do not know whether it was so or not.

Question. Does public opinion, among the whites, sustain his killing, or condemn it?

Answer. I think it sustains it, so far as my knowledge is concerned.

By the CHAIRMAN:

Question. The whites up there thought it was right?

Answer. No. I do not know that they thought it was right; but they don't condemn it; there is a good many reports about what Richard Burke had said when they came to Gainesville; I think they were to have speaking there some time in August; a good many negroes were coming down here; a good many with guns; and Richard Burke came down here; I was not down here myself; I heard—I am telling what I heard. Shall I go on?

Mr. RICE: Yes.

Answer. He met them out on the edge of town, and asked them what they were running for; they said they were fighting down here; he told them they were cowardly

sons-of-bitches; "You go back and shoot out your last load of ammunition, and then club your guns and fight to the last;" that was the report; whether that is so or not, I do not know.

Question. Were any of the Gainesville negroes that came down at that time shot?

Answer. Really I can't say. I believe there was one. I am inclined to think there was one by the name of Hayne Richardson; he lived in Gainesville, and left afterward.

By Mr. BLAIR:

Question. What was he shot for?

Answer. I do not know, sir; there were Ku-Klux, over here in Greene County last week, took a man out and gave him a whipping, so I heard; that is the report.

By Mr. RICE:

Question. Do you know what for?

Answer. He had been abusing his wife before she was sick; she was taken sick and died; after she died, he said it was a damned good thing that she was dead; she was no account any how, and he was damned glad of it; and some men came in disguise—whether Ku-Klux or not, I do not know—and took him out and took him down to the swamp, about three hundred yards from his house, and took a paling and some sand, and stripped him and paddled him, and poured on sand while they paddled him. I think that was an act of justice.

By the CHAIRMAN:

Question. Do you think that your obligation in joining that Klan would have bound you to have helped in such a case?

Answer. No, sir; I did not take into consideration the obligation. I considered it was the duty of a good citizen to take a pailing and sand and paddle him for such a thing—to abuse a wife alive and treat her like a dog, and, after she was dead, say he was glad of it.

Question. Do you not think they had better kill him outright?

Answer. No, sir, let him live, and give him a chance to do better afterward.

By Mr. RICE:

Question. Have you heard of any other case of violence in Greene County.

Answer. No, sir; the reason I think of that is, it was talked of in Gainesville, where I lived, last week. There may be a good many others. There are a great many others about; I pay no attention; but that was one case where I think justice was meted out to him a little too light. The man who would abuse his wife, the mother of his children, and then say he was glad she was dead, I think sand and paling was too good for him.

By Mr. BLAIR:

Question. The man taken out of jail here and shot had gone to a young man's store and called him up, and killed him in cold blood and robbed him?

Answer. Yes, sir; that was Jasper. That has been a year ago.

Question. That is the case where you think he got what he deserved?

Answer. I do.

Question. In the case of this other man who was arrested for killing Collins in the swamp—Zeke High?

Answer. I do not know anything about that; that was not in this end of the county.

Question. That was at Belmont?

Answer. O, that is thirty miles from where I live. I do not know anything about that, but that man Jasper—it is a place about half-way between here and where I live; a country store at the forks of the road—the man lived there at a little dry-goods store. He bought corn and traded with the negroes. This negro had made up with the negro they killed up here at Warsaw—his confederate—and he made a bargain to go around and rob him; one was named Gilbert and the other Jasper. Jasper told Gilbert to go up and call him. "No," he said, "You go up and say you are Gilbert." He went up. What brings this to my recollection is because I stopped at the place yesterday morning coming down here, and a man told me about it—the same report I had always heard. He knocked at the door, and the man Binn said, "Who is that?" He says, "Gilbert." He says, "What are you doing here? What do you want?" He says, "I have got a bushel of shelled corn to sell you." He just opened the door, and this fellow had a little short Enfield rifle, and he shot him, I suppose near the heart. There is the blood on the door now. They went in and robbed him of what they wanted. They drew him up near the door and went out. They caught the negro with his clothes all bloody, and everything. They knew he had the rifle—the short rifle with the ramrod a foot longer than the barrel, and you could find along where he had put it down as a walking-stick. They caught him over at Selma, I think, and brought him back, and some people, I do not know who, took him out of jail and shot him.

Question. Had there not been a great many escapes from the jail?

Answer. There had, and if he had staid there three weeks longer he would have got out; people get exasperated where they are told prisoners' escaping is connived at. They have not got a very good jail here, and when certain parties get in they would get out.

Question. That is the reason it was an act of justice, that he had been guilty of this deed of blood?

Answer. Yes, sir.

Question. And the people apprehended——

Answer. I do not know what the people apprehended, but I think that any man that would assassinate another in cold blood he ought to be assassinated too. If he would come out squarely and fairly in a fight it would be all right.

By the CHAIRMAN:

Question. There would be no difficulty in hanging him here, by sentence of the court. The case was plain, and the evidence clear; there would have been no difficulty in punishment?

Answer. Probably not, if he had come to trial; but if he had staid in three weeks he would have got out. They are breaking out continually—all escaping, one way or another.

Question. This man taken out of jail in the latter part of September had been in jail for twelve months, had he not?

Answer. I do not know; I never heard anything about that.

Question. If that were so—if he had been in prison twelve months, and court was just about coming on when he was taken out by these rangers and killed—that would seem to show that the jail held prisoners?

Answer. Yes, sir; it would go to prove that it did hold them, of course.

By Mr. BLAIR:

Question. I understand you voted for Mr. Meridith, and electioneered for him openly at the polls?

Answer. Yes, sir.

Question. Did anybody molest you for it?

Answer. No, sir; I would do it again, too.

Question. Did you electioneer with any of the negroes to vote for him?

Answer. I did.

Question. Did any of them express any apprehension?

Answer. No, sir; I just told them who it was for, and to vote that way, and they took the tickets and walked right in.

Question. Did you see anybody intimidated?

Answer. No, sir.

Question. Did you see any injury inflicted upon a negro for voting?

Answer. No, sir; nor a cross word spoken.

Question. Did you hear any negro say he was alarmed?

Answer. No, sir.

Question. You talked with a good many?

Answer. I did; I electioneered a good many.

Question. No apprehensions were expressed by them of any injury for voting?

Answer. Not to me.

Question. Did you ever hear of any injury being inflicted on a negro for voting the radical ticket?

Answer. No, sir; I did not.

Question. You say that this organization to which you belonged was that called Ku-Klux?

Answer. No, sir.

Question. What was it called?

Answer. I can't hardly think of it. I thought you would ask me.

By the CHAIRMAN:

Question. Was it the White Brotherhood?

Answer. No, sir; I never was in there but once, and that was only ten minutes, in 1868.

By Mr. RICE:

Question. Constitutional Guards?

Answer. No, sir.

By the CHAIRMAN:

Question. Invisible Circle?

Answer. No, sir; I was trying to think of it yesterday, because I thought you would ask me that question.

By Mr. BLAIR:

Question. Did you understand that your oath, or any obligation you took, obliged you to do any illegal act?

Answer. No, sir; that was distinctly understood; that we were not to do any illegal act.

Question. But you were to protect the white people in case——

Answer. It was a combination of persons organized for their own protection; that was my understanding all the time.

By the CHAIRMAN:

Question. Did you consider it an illegal act to take these men out of jail and kill them?

Answer. It was an illegal act, of course; I know that.

Question. Would you have felt bound by your oath to have assisted a party of that kind?

Answer. No, I would not have done it myself. I would not have taken some of them out; for instance, Jasper, I would not have taken him out; but I would say to those who did it, "Well done."

Question. Why would you not join, if it was well in others?

Answer. Well, I am not exactly in favor of this mob law; but sometimes mobs do justice.

By Mr. BLAIR:

Question. It is justice, without doing it exactly in a just way?

Answer. Yes, sir; without a legal way; it is just any way; that was a just thing.

Question. Was there any apprehension among the people felt in regard to the constitution of the courts—that the judges of the courts, owing their elevation to this negro vote, would not inflict punishment upon the negro?

Answer. No, sir; not as I know of. I never heard anything of the kind.

Question. The apprehension in this case was, that they would escape from the jail?

Answer. No; I do not know anything about that.

Question. You do not know, then, what was the motive?

Answer. No, sir; I do not know what the motive was.

Question. What acts were committed or threatened by the negroes that induced you to think that an organization for self-protection was needed?

Answer. So far as I was individually concerned, I did not apprehend anything.

Question. I did not speak of personal apprehensions upon your own part; but what acts did they commit; had they stolen much of the stock of the people?

Answer. Yes; they would steal horses and mules; and they went so far as to steal bed-clothing, and bedding, and provisions.

Question. Pigs and chickens?

Answer. Yes, sir; but they do that now, the same as then, but not quite so much. Some of them had the land all laid out and staked, and mules and everything picked out.

Question. Who induced them to believe that they were to get lands and mules from the former owners?

Answer. It was not any of the citizens of the State. We had some fellows about here; they were not in much force; they used to call them carpet-baggers here; they came down here to get elected; they went around electioneering, and told them they would give them so much land, or General Grant would; or the Government would give them so much land, and so many mules, and provisions, and one thing and another.

By the CHAIRMAN:

Question. Did you ever hear them tell the negroes that?

Answer. No, sir; but I heard negroes say that certain men told them so.

By Mr. BLAIR:

Question. What men?

Answer. A man named Hayes, and a man named Rolfe; that was two.

By Mr. RICE:

Question. Price?

Answer. Yes, Price. I never heard these men say so; the negroes said so.

By Mr. BLAIR:

Question. Lane?

Answer Yes; and that is about all—three or four.

Question. Cecil?

Answer. I do not know about Cecil. Rolfe and Hays were the principal men in it.

Question. They taught the negroes that the Government would give them a mule and forty acres of land?

Answer. Yes; that the Government would give them that; that they had been working for their owners all their lives, and they were entitled to their labor; that it was as little as the Government could do to give them a mule, which would be worth $150, and forty acres, worth five or six hundred dollars all together; forty acres at $10 an acre, $450, or somewhere about there.

Question. Do you think the negroes actually believed it?

Answer. Yes, sir; I know one actually picked out the land; he had it staked; and the negroes quarreled about the land; two negroes both wanted one forty-acre tract; but no white person would believe that.

Question. What?

Answer. No white person ever believed such a yarn as that.

Question. But the negroes did?

Answer. Yes, sir; no doubt they did.

Question What motive had Price and Rolfe to make the negroes believe this thing?

Answer. I do not know; I just suppose it was to get into office and get elected.

Question. They wanted office themselves, and they cajoled the negroes with this yarn?

Answer. That is all.

Question. Did you ever hear the negroes complain of the bad faith with which they had acted with them?

Answer. I have had negroes tell me they were going to have the land and mules, and afterward said they never had believed it.

Question. They did not believe it?

Answer. No, sir.

Question. What did those two say that quarreled over the matter?

Answer. I never have seen them for some time; but any man that has known the negro knows what he is. There is as much difference between a white man and a negro as there is between a mule and a rat, just about, as far as that is concerned.

Question. The white people did not believe this story?

Answer. O, no.

Question. But they believe that this kind of talk would put the negroes up to mischief?

Answer. They believed that was told them for the purpose of supporting that ticket.

Question. Did the white people of the country believe that the negroes had been put up to mischief by these same men?

Answer. Yes, sir; I recollect at one time in Gainesville a man there on a public road going to his house at the League—I do not know it either; I am telling what he said—that he was stopped, and they had guards around and had arms, and they made him walk out of the road and would not let him go along the road.

Question. While they were holding the League?

Answer. Yes, sir; they had a guard to keep people from eavesdropping.

By the CHAIRMAN:

Question. Do you not think they had a right to do that?

Answer. No, sir.

Question. Did they not have a right to picket the house and keep their secrets?

Answer. Certainly, about their door, but not forty or fifty yards from the house; they had no right to drive a man off the public road. The negroes said they had the charter from the Government at Washington, right direct, and they had the right to guard, and they intended to do it.

By Mr. BLAIR:

Question. Did this conduct, their taking such extraordinary measures to guard the secrets of their League—did that inspire the people here with apprehension that they were concocting mischief in the League?

Answer. Yes, that and other reports connected with it; it was reported in Gainesville that there was resolutions brought in there to assassinate certain white people in Gainesville; that was the report now.

Question. These rumors and reports were believed at the time by some persons?

Answer. Yes, by some persons.

Question. That led to the supposed necessity of forming an organization for self-protection?

Answer. Yes, sir; the negroes acted here in my neighborhood just like an invading army would in your neighborhood after they had conquered everything and were going rough-shod over everything, and you can judge for yourself; they thought they were the big dogs of the ring.

Question. Did they think they had a right to take a man's cotton, corn, mules, and pigs?

Answer. Some of them did, and some of them did not. A few, the sensible negroes, knew better.

Question. Do you suppose they were misled by these carpet-baggers?
Answer. I think they were misled by the white people.
Question. Did these carpet-baggers tell them they had the right?
Answer. I think they did.
Question. Did you ever hear any of them say so?
Answer. No, sir; I never had anything to do with any of them.
Question. They actually told them they had a right to the land and mules?
Answer. So the negroes say. I never talked with the negroes about it; it did not interest me at all.
Question. You did not see any of the party engaged in killing Burke?
Answer. No; I was in bed early that night, as usual.
Question. Was there much excitement up there about the report that Burke had used this language to excite the negroes?
Answer. Yes, sir; there was a good deal of talk about it.

By the CHAIRMAN:

Question. Did you know that Burke was to be killed?
Answer. No; I had not the least suspicion, no more than you did, not a particle. The day they were to meet here they were to have speaking, I think. I do not remember the day—to have a meeting of the people of the county, anyhow. The negroes were coming down the day before armed, and buying buck-shot and powder in Gainesville.

By Mr. BLAIR:

Question. Did you see the negroes?
Answer. Yes, sir.
Question. How many of them do you think you saw?
Answer. I do not know. I saw—I do not know how many; it must have been one hundred, or maybe two hundred.
Question. With guns?
Answer. No, sir; all of them did not have guns. I reckon one in about every five had guns. I recollect one crowd where I was doing business; they came right close to it in about forty yards. I reckon they came from the north end of the county about ten miles; they came there the day before. I had heard certain reports going about, and I concluded they were innocent; that they did not intend mischief I was satisfied, and I went to them, and told them, "Boys, you had better go back; you have no business in the world with guns down there in that part of the county going to a convention; you have no use for guns; there is no game between here and Livingston; and you had better go back home to work; or, if you are going, you had better leave your guns, or you will get into difficulty." I said so, because I heard certain reports that there was going to be armed negroes here to kick up a dust.
Question. What did the negroes say when you expostulated with them?
Answer. They said they had been ordered down here by the head man. Who the head man was you never could find out. I just inferred it was the president of the League—of some League; the negroes thought whatever the president of the League ordered them to do, they were bound to do anyhow; or, if they did not, they were just as good as dead men.

LIVINGSTON, ALABAMA, *November* 2, 1871.

SAMUEL A. HALE sworn and examined.

The CHAIRMAN. This witness having been called on the part of the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. State your residence and occupation.
Answer. My residence is near this town, in this county. I have been a practicing lawyer until within a few years past. I have retired from the practice of my profession.
Question. How long have you lived here, Mr. Hale?
Answer. I have lived in the county some twenty-six years, and in the State of Alabama nearly thirty-five years.
Question. I have seen a letter of yours, addressed to Senator Wilson, which purports to give a succinct account of the condition of the country. It is dated January, 1868. I would be pleased if you would read that letter to the committee, and let it be incorporated in your testimony.
Answer. I have no objections, sir. There is reference here to another letter of previous date addressed to him. I should like to state first the circumstances under which I wrote that letter.

The CHAIRMAN. I do not see the propriety of the witness reading his composition of a previous date, a statement not made under the obligation of an oath.

Mr. BLAIR. He is under the obligation of an oath now, and I ask him whether that gives a distinct and truthful account of the condition of the country, as far as it goes, at the time; and certainly, his impressions then, sustained by his oath now, would be competent testimony.

The CHAIRMAN. What you propose to introduce is a political letter, I presume, written by the witness nearly four years ago, on the political condition of Alabama at that time. My own impression is against the competency of that kind of proof.

Mr. BLAIR. I have no question in the world but if it was a case before the court, and the condition of the country was to be examined into, and he should state on oath that he believed that to be a truthful account of it——

The WITNESS. I know it to be, if I may be allowed to say a word by way of explanation. I did not write this letter for publication. I wrote it to Senator Wilson for the purpose of informing him of the state of things here that I did not suppose he was altogether cognizant of.

By Mr. BLAIR:

Question. I will ask you, before going further, to what party you belong in politics?

Answer. I belong to the republican party.

Question. Were you a republican at that time?

Answer. Yes, sir.

Question. You wrote your letter to Mr. Wilson as a republican writing to a republican Senator, to advise him about the condition of the country about which legislation was being had?

Answer. Yes, sir.

Question. And you are willing to take your oath that the statements you made, and the opinion you gave there, were true?

Answer. Yes, sir; that every statement in that letter, I think, is literally and strictly true.

By Mr. BUCKLEY:

Question. Did you support the republican ticket at the last State election?

Answer. I voted for one republican and one democrat. I voted for a democrat on the ground of personal friendship for him.

Question. I ask, did you support the republican nominees for State offices in the last election?

Answer. No, sir; I did not vote at all. I did not vote for Governor Smith, nor did I vote for Governor Lindsay. I voted for one republican and one democrat here to represent this county in the legislature of this State. Mr. Meridith, the gentleman you had before you to-day, was the republican I voted for.

Question. In the preceding congressional election in the fall of 1869, did you vote for the republican nominee?

Answer. No, sir; the candidate of the republican party had been an ultra secessionist of the worst kind, and I declined to support such a man for office. He served in the armies of the confederacy against the republic during the continuance of the war. I voted for General Grant.

The CHAIRMAN. I will take the sense of the committee.

The question was taken by ayes and noes, Shall the paper offered be admitted? and resulted: aye, Mr. Blair; noes, Mr. Buckley, Mr. Rice, the Chairman. So the paper offered was not admitted. [See page 1830.]

The CHAIRMAN. The decision is against the admissibility of the document.

By Mr. BLAIR:

Question. I see you state here in this letter that you were a Union man, and were so throughout the entire war?

Answer. Yes, sir.

Question. That you avowed yourself to be so?

Answer. Yes, sir.

Question. At all times?

Answer. Yes, sir; I was so much so, that I had the honor of being selected as one of seven men to be sacrificed. They had my name down at the head of the list of seven they were going to hang here, and they took me as the staunchest Union man they knew of, and I think, if Sherman had not taken Atlanta, they would have hanged me.

Question. I am very glad he took it, for that and some other reasons.

Answer. So am I.

Question. In speaking of the convention which formed the constitution submitted to the people of Alabama, you say that "a great deal has been said by the conservative press of the country about the members of that body, who and what they were, and where they came from, how long they had been in the State, and whether they were

qualified to sit as delegates in the convention or not; much about the way in which they were nominated and elected, and much about the way in which they conducted themselves as delegates in the convention; much that was true and much that was false has been said of them. In what I am about to say of them, I will confine myself to that which I know to be true. Many of them were ignorant, too grossly ignorant for any such station. A large proportion of them were new-comers among us, of whom our people knew nothing at all. Their election was the most ridiculous farce ever beheld. I wish you could have seen the poor, ignorant blacks giving in their bits of paper, as they called their printed ballots, when they knew no more of the names on them, who they were, what they were, than you did at the same time in your far-off home. I think it entirely safe to say that, in all the elections ever held in the United States, there has not been so much fraud committed as there was in this one. The negroes think they have been greatly wronged because they have not been paid for voting"——

The CHAIRMAN. Let me ask you to suspend one moment. Are you reading this portion for the purpose of having it incorporated as a part of the testimony of the witness?

Mr. BLAIR. I am, sir. I propose to ask the witness some questions in regard to it.

The CHAIRMAN. I think it is a very plain, palpable evasion of the decision. It is an indirect method of incorporating all the essential parts of the letter in the record, over the formal decision of the committee excluding it. With my present views I shall, if it is the view of the majority, direct the reporter to omit the recording of the letter.

Mr. BLAIR. I wish to state here, and I wish the reporter to take it down, that I shall read from this letter for the purpose of asking the witness some questions, and that——

The CHAIRMAN. I shall not restrain, of course, any question you deem it proper, as a member of the committee, to ask the witness. All that I say now is, that I think the present attempt to incorporate that letter into the evidence is an evasion of the decision of the committee; and, as such, I shall direct it to be excluded from the report.

Mr. BLAIR. I will ask the witness, then, the question whether the statements I have read from his letter are true?

The WITNESS. Strictly so, sir.

Mr. BLAIR. Now I will ask the chairman if he will exclude what I have read, and the answer of the witness?

The CHAIRMAN. Yes, sir; I think it is an indirect method of incorporating the whole letter into the record, which is in the nature of a political essay, and which has been formally excluded by the committee.

Mr. BLAIR. I state to the chairman, it is not an essay. It is a statement of fact to which I have drawn the attention of the witness. He speaks of the members of the convention.

The CHAIRMAN. There will be no objection to your asking any question you see proper to propound to the witness as to the condition of affairs in Alabama in 1868.

Mr. BLAIR. I will ask the chairman of this committee whether this is an essay. Let me turn to the convention: "There has been a great deal said in the conservative press of the State about the members of this body, who and what they were, and where they came from, how long they had been in the State, and whether they were qualified to sit as delegates in the convention or not; much about the way in which they were nominated and elected, and much about the way in which they conducted themselves as delegates in the convention."

The CHAIRMAN. I think this is in the nature of a political essay from the writer, addressed to a Senator of the United States, as to the position of that political organization. It looks so to me.

Mr. BLAIR. I can see nothing in that except a statement of the facts in regard to the members of the convention.

Mr. RICE. Why not ask him now directly about the members of the convention?

Mr. BLAIR. That is what I propose to ask him, precisely that, and I supposed I had a right to shape my question, and not have it framed by the other members of the committee.

The CHAIRMAN. The witness is doubtless competent to respond to every inquiry upon every subject-matter.

Mr. BLAIR. How can the witness respond if I am not allowed to ask a question?

The CHAIRMAN. You are allowed to ask questions, but not to quote passage after passage from this letter, and ask him if that expressed the truth at the time it was written. That is an indirect mode of getting the entire letter, or the most material portions of it, on the record after it has been excluded by the decision of the majority of the committee. No objection will be interposed to your questioning him as to the political condition of Alabama at any time since the war down to the present moment, in the mode in which other witnesses have been interrogated.*

* For the ruling of the general committee, and the paper referred to, see page 1830, at the end of the testimony of this witness.

By Mr. BLAIR:

Question. What was the character of the men who composed the convention that sat in the State of Alabama and framed its constitution?

Answer. So far as I am personally acquainted with them they were worthless vagabonds, homeless, houseless, drunken knaves.

Question. What was the character of the election at which they were returned?

Answer. As shameless a fraud as was ever perpetrated upon the face of the earth.

Question. Did any of the negroes declare that they wanted to get paid for their votes?

Answer. Not to me individually. When I speak of it as a fraud, I mean that it was a fraud in this way: the men who were candidates for officers to be elected in the election were registrars of votes and superintendents of elections. They had the privilege of admitting any man to vote whom they saw fit, and excluding any man they saw fit, while they themselves were the candidates for whom the voting was going on. If that is not a fraud, I do not know what a fraud is—a shameless one, an iniquitous one.

Question. Were any persons excluded by act of Congress from suffrage from that election?

Answer. I think there were some disfranchised men here.

Question. All were then disfranchised who are now under disabilities, were they not?

Answer. I think so, sir.

Question. Who were the delegates sent from this county?

Answer. The individual to whom I meant to apply that remark was a man here by the name of Rolfe, from New York. He was said to have had a family, or a wife and children, living in New York. He came here and took up with a negro woman, and left two or three children here by her. He was as worthless a fellow as there was in this community. His name is not attached to the constitution as one of the framers, because, I understand, that he had got drunk and left the convention, and was too much intoxicated to attend to his duties there, and, therefore, his name does not appear among the signers; but he was elected and sent there from this county. Benjamin Rolfe was his name.

Question. Another was named Yordy?

Answer. Yes, sir.

Question. What was his character?

Answer. I know nothing against Mr. Yordy personally, sir; only he is not a citizen of this county, and never has been. I do not think that he has been within the limits of the county for the last three years. He holds an office in the Mobile custom-house, and pretends to be senator from this county; but he never was a citizen of it. He is not now, and never has been.

Question. Was he not the registrar of voters in an adjoining county when he was elected here as senator?

Answer. I have heard so, sir.

Question. Were the military officers, to any large extent, candidates for election?

Answer. There was a gentleman holding a military commission in an adjoining county, at Demopolis, a Major Perce. He was frequently over here; sometimes with his troops, and sometimes not. He was elected to Congress from this district while he held a commission in the Army of the United States. If the gentlemen of the committee will allow, I will endeavor, in a calm and dispassionate manner, to state some causes of the discontent or dissatisfaction that prevails here among our people.

Question. Well, sir, we should be very much obliged to you to state it in your own way.

Answer. In that letter I alluded to a former letter I wrote to General Wilson upon that subject. They were not political essays; they were friendly communications. I could not persuade myself that a man of Senator Wilson's high standing would countenance such infamous practices as prevailed here. Now I will proceed to specify. There was a vacancy in the office of sheriff in this county. I took it upon myself to suggest the names of some four or five citizens, well known to myself as loyal men, Union men, and honest men. The suggestion was disregarded entirely, and no attention whatever paid to it; but one of the most corrupt men we had in the county, one of the most offensive of all the secessionist party we ever had here, a dishonest knave, was selected and appointed to the office of sheriff of this county, when there were four or five applicants from members of the Union party; a man so utterly worthless that he could not give bond, and could not take the oath required. He was appointed by General Swayne, and took the office without bond or oath. He did exercise the duties of the office, and stole and pocketed all the proceeds of it that came to his hands.

Question. What was his name?

Answer. Beville. Now, it was because that had been done that I wrote to Senator Wilson and told him of it, and I asked him to show this letter to General Howard, because I understood that General Howard had the superintendence of the military men in the State. It was shown to General Howard, and General Howard sent a copy of it here to General Swayne, who was in command here. Instead of correcting the fault, it made General Swayne, I am told, very angry. Well, then there was a man

who, it is said, and I have no doubt of the truth of the saying, after he had served a term in our penitentiary for grand larceny, volunteered in the confederate army, served two years in the land service, changed into the naval service, served a time in that, until the close of the war, and then came here a violent republican. He could not take the oath required of him. He came here as a teacher first; he was then appointed registrar of voters, appointed to take the census, superintendent of education, clerk of our circuit court, and postmaster.

Question. Who was he?

Answer. Daniel Price. The man was of so low and vile a character as to give offense to everybody about here. It was peculiarly offensive to men of my stamp and my feelings to see the claim of every respectable loyalist ignored, their very existence doubted, if not absolutely denied, and this worthless man appointed to office here. One of the first appointments made after the war was a paymaster of the confederate army to be tax assessor in this county, as though there was no honest or loyal man here. There were an abundance of them here—not an abundance, but enough to fill all the offices of the county respectably and honestly. The existence of the men called carpet-baggers, in this State, has done more to disaffect our people, more to produce these disturbances complained of, than any other cause in the world. The people are not allowed to elect their officers here. Yordy, who is not a citizen of the county, has held the office of senator for five years, I believe; our judge of probate has held the office for six years, by appointment. Now, if the people could elect their officers there would be more satisfaction, a great deal more. I am not saying anything against the character of our judge of probate, but I say this: If there was an election held the first Monday of next month, and the question were put to the people of this county, he would not get fifty votes in it. It is irritating, it is provoking, it is exasperating in the highest degree, that the offices of the country should be filled in such a way. The legislation that the—I do not know what to call it—that has been put upon us is another cause of exasperation. Our taxes are enormously high. Negroes have been sent there to fill the offices and vote away the rights of the people of this State to railroad-builders, and men of property in the State are now taxed enormously high to pay the enormous swindles put upon them. These things are the cause of the dissatisfaction that prevails here, and the discontent. Had the loyalists of the State been treated by the military men who came here as loyalists, there would have been here to-day five hundred white republican voters in this county. Now there are not—I do not suppose there is—twenty. I am confining myself strictly to this county. I do not go abroad. The things I say about this county are true. I do not say that it is a sufficient cause for the violence and wrong that has been done here. There has been a good deal of it perpetrated here. I do not say that these causes I have assigned are sufficient to justify that, by any means. All good men deplore it. But we have, in some sense, a peculiar population. Since the war we have a good many young men who are as much at home in Oregon as here, and as much at home in Mexico or Texas as here. They can commit these acts of violence, and if pursuit is too hot they go away. It is no loss to them.

Question. Are the outrages of which you speak, Mr. Hale, and which you so justly deplore, committed by men who have no stake in the community?

Answer. Well, sir, the outrages are generally done in the dark, and it is not known by whom they are done. The authorities of the country do not seem to take any notice of them, to make any attempt to hunt up the perpetrators of this violence. They pass unnoticed. It is disgraceful to a community like this of Sumter County, in such a State as Alabama, that every time a white man is confined in jail here he should be released by a mob. It is disgraceful that it should be done; nobody knows who did it, nobody can find out. When a negro is confined upon any charge, he is taken out and shot or hanged. When a white man is imprisoned for an outrage upon a negro, they have taken him out and turned him loose. That has been done here three times.

Question. You mean there have been three instances of jail delivery?

Answer. Yes, sir; three.

Question. In two of which negroes were killed, and in one a white man turned loose?

Answer. Yes, sir; turned loose for killing a negro. I do not know anything about an organization called the Ku-Klux here, but I have no doubt of its existence—none in the world.

Question. What do you suppose gave rise to it?

Answer. I cannot say that; I do not know. It seems at one time that their object is to oppress and persecute the negro; at another time, it seems that they were enraged against that class of citizens called carpet-baggers—they wanted to get rid of them. One of the most influential causes, so far as I have come to any conclusion from reflection upon it, is the appointment of these worthless vagabonds to office that I have mentioned. They have been a curse to the country. That was the character of the outrage in which Choutteau was driven away from here. Choutteau was a very worthless man. He had committed a murder in Louisiana and ran away, and went up into the northern part of this county and settled there. He had been some time here

before I knew anything about him or ever saw him, when the attack was made on his house, which resulted in the death of a friend of his who was with him in the house.

By Mr. RICE:

Question. Coblentz?

Answer. It was near me. I heard the screaming. I heard a shot and the screaming of the female portion of the family, but I did not get up and go out, because it was the second attempt that had been made upon his house. During the first one I got up to see what was the matter. I had no suspicion of what was going on, and I was reminded by three pistol-shots, aimed at myself, that I had better go back to bed again, and I went as quietly as possible, and there I staid; and I staid during the second attempt upon him. I did not wish to be taken off for the sake of Choutteau or anybody else.

By Mr. BLAIR:

Question. Do you think the inefficient and worthless character of these officers of the law gives immunity to these men?

Answer. No, sir; I do not. I think it has been one cause of the violence. I do not think anything gives them immunity.

Question. Gives them immunity from punishment—I do not mean to justify.

Answer. No, sir; I think it is the general state of feeling throughout the country consequent upon the termination of the war. The war ended disastrously to the South, and it imbittered the feelings of a great many men in the community, and I think to-day—I say this deliberately, after a long residence here—there is more hostile feeling in this country against the North, or the Government of the United States, and the people of the North to-day, than there was at any time during the war. I think the feeling is greatly imbittered.

Question. Did that grow out of the war, or——

Answer. It grew out of the war partly, but it has been aggravated by the course I have described to you by the appointment of such men to office. Now, a great many men in the country feel it a reproach, personally, that such a man as Daniel Price, of all things under God's heavens, should have been selected as the superintendent of education in this county. Well, all the offices in the gift of the Government at Washington, and at Montgomery, were showered upon him. He held them all, and he was not fit for any.

Question. What was his private character?

Answer. Bad, sir.

Question. What were his associations here?

Answer. Bad, sir. His private character was bad. It is said that in an election in this State, when two men running for Congress, one accused the other of being a gambler, and having a bad character. The other replied that he did have a bad character, as he was a gambler, but said he, "I have not such a bad character as you have, for you stole a side of sole-leather in Tennessee." A man from the penitentiary can never have a good character here.

By the CHAIRMAN:

Question. Do you know he was in the penitentiary?

Answer. Captain Smith, of this town, a gentleman of high standing, told me there was a gentleman in his office who assured him he had seen Price there working as a convict. Upon that testimony I make the statement. He said he had been convicted and sentenced to the penitentiary for grand larceny, and he saw him there.

Question. Why has not a record of his conviction been obtained? That would be the best evidence, would it not?

Answer. Who wants it?

Question. Those who defame his character want it to sustain their charges.

Answer. I think nobody can defame his character. I do not think anybody felt interest enough in him to know whether he was in the penitentiary or not. I merely state what was reported of him here, that he served out a term in the penitentiary for grand larceny. If the court that made that conviction is in existence the record of his conviction could be obtained, I suppose.

Mr. BLAIR. That evidence has never been asked by the chairman of the committee, nor by any other person here, but they have specially stated to the witnesses whom they have called that information upon which the witnesses relied was sufficient to speak from.

The WITNESS. I state the information upon which I make this statement. Captain Smith told me he was assured by a gentleman in his office who saw Price in the penitentiary at work as a convict. It is upon that statement from my friend Smith that I make this statement here.

By the CHAIRMAN:

Question. In what State penitentiary was he said to have been?

Answer. Alabama.

Question. Where is the penitentiary located?
Answer. At Wetumpka, sir.
Question. Where is the record of his conviction; in what county was he convicted?
Answer. I do not know, sir.
Question. What was the charge upon which he was convicted—grand larceny?
Answer. I understood so.

By Mr. BLAIR:

Question. Did this man Price and the others whom you have named have a great control over the negroes in this county?
Answer. Very great, sir; Price, particularly—very great.
Question. What was their manner in addressing them?
The WITNESS. What was Price's manner?
Mr. BLAIR. What was the charcter of his addresses?
Answer. He seemed to associate with them on terms of equality; he cohabited with one as his wife; they visited him at his house; they visited him at his office, as though they all felt themselves fully his equals.

By the CHAIRMAN:

Question. How do you know that he cohabited with a colored woman?
Answer. It was so stated here by everybody, and never contradicted.
Question. Did you ever hear that he was a penitentiary convict until after he left here?
Answer. Yes, sir.
Question. When did you first hear that?
Answer. I am under the impression that it was something like two years ago.
Question. How long before he left?
Answer. Some months; I do not know how long it is since he left here.
Question. Was it ever charged to his face; did he ever know that that charge was made against him?
Answer. I do not know, sir.
Question. ——— is not very far off from here?
Answer. No, sir; it is near Montgomery.

By Mr. BLAIR:

Question. In his public addresses what was the style of his harangues?
Answer. Price's?
Question. Yes.
Answer. I do not think he ever made any public addresses here, sir. I never heard of his making any addresses to the negroes here. He might have done so, but it was without my knowledge.
Question. Were not addresses made to the negroes in their assemblages by the white men of whom you have spoken?
Answer. Not of my own personal knowledge do I know, but I will state under what you said was the rule of the committee in regard to testimony: I heard it said by those who were listening, for the purpose of ascertaining what was said, that Judge O'Connor, I think, who was probate judge of Marengo County, came over here, and made a very exciting address to the people here, telling them that they ought not to sustain their old masters, nor vote for them for any offices, for they had been whipped severely and treated so cruelly they ought not to sustain them.

By the CHAIRMAN:

Question. You did not hear that speech yourself?
Answer. No, sir; it was made at night here, and I was told of it the next day. I did not hear it.

By Mr. BLAIR:

Question. Were any other speeches of that character made here, Mr. Hale, according to your best information?
Answer. I cannot say. I have not attended any public speaking since the war, sir; I have not been in a political meeting. There were some officers of the Army made addresses to the negroes here shortly after the surrender, and I heard that they used some indiscreet language to the negroes. What it was I never heard. I did not go to hear them speak. I have never known of any of our people making inflammatory harangues to the negroes.
Question. Did you know one Tobias Lane?
Answer. I used to know him.
Question. What is or was he——
Answer. He came here from Ohio, it was said, and went into the farming business down on the Tombigbee River, nearly opposite to Demopolis, or a little way this side of the river; he was connected with this man who was appointed sheriff—Beville, and

had two partners by the name of Cecil. I think this Major Pierce, to whom I alluded, was also a partner. The concern was broken up, as I was told at the time—there was a good deal of talk about it—by the discovery on their part of an attempt to defraud them by Beville, the sheriff. Lane was elected probate judge of this county. He failed to give bond—no, he had gone to Ohio at the time the election was held, and never returned here to take charge of this office.

Question. Who were these brothers Cecil?

Answer. They were two adventurers here. They were engaged in this cotton business with Lane, down on the Tombigbee River. They staid here a short time, until that planting speculation broke up, and then they went back to Ohio, I was told.

Question. Did either of them have an office? Was one of them jailer of this county?

Answer. Yes, sir; one of them was jailer of this county. He moved up here to town, and kept the jail for some time. He had a family of two or three grown daughters; they were very badly spoken of here.

Question. Lane and Rolfe were both candidates for office under the constitution, were they not?

Answer. I believe they were, sir.

Question. And members of the board of registration, also?

Answer. Yes, sir; and supervisors of registration. I think they were members of the board of registration and judges of election.

Question. The candidates for probate judge and tax-collector?

Answer. Yes, sir. They had the power of permitting whom they pleased to vote, and refusing it to whom they pleased.

Question. Was that in defiance of a general order?

Answer. Yes, sir; a gross violation of General Pope's order.

Question. They were managers at the election at which they were chosen?

Answer. Yes, sir.

Question. And clothed with the power of determining who should and who should not vote at the election in which they were candidates?

Answer. Yes, sir.

Question. Would you call such an affair as that an election?

Answer. No; I call it a shameful fraud. What could have been more exasperating to the people than to have had such a man as Beville appointed sheriff of this county, when he could not take the oath required of him by the law of the land, and did not take it, and did not execute a bond? The office of sheriff here was guarded by a bond of $40,000. That was most outrageous trifling with the rights of the citizens.

Question. I see this statement made by you: "In my former letter I made the appointment of a disloyal secessionist"——

Answer. That is Mr. Beville.

Question. "To the office of sheriff of this county by Colonel Swayne, the military commander of the State, the subject of one of my complaints. The appointee did not, and could not, take the oath required by law. He gave a bond which the grand jury of the county reported as being insufficient. He then obtained the name of at least one Army officer on his bond—Major Charles W. Pierce, of Demopolis—and continued in the exercise of his office until, happening to give offense to his official sureties, he was given up by them, when Colonel Swayne directed him to remain in and exercise his office without either oath or bond."

Answer. Yes, sir; he did do it, and held the office and executed it without either oath or bond.

Question. Is the condition of the country at the present time improved from what it was?

Answer. I think it is, sir.

Question. In what respects?

Answer. Well, sir, I do not think there is so much violence committed; I do not think there is so much of a disposition to do wong as there has been manifested, though there is wrong done now, and gross wrong. Our officers seem to be afraid to prosecute it.

Question. Is the fact that the officers are afraid to prosecute among the reasons why these outrages cannot be put down?

Answer. One reason, sir.

Question. In regard to the officers that have been foisted upon the State in the way in which you have described, and who are in so many instances without character, is not their influence diminished, and their power to preserve order much less than it would be if they were properly selected, and men of character?

Answer. Yes, sir. Under your rule for the admission of testimony, I will state what I heard the other day from a gentleman whose testimony perhaps you have already; Major Harris of this town told me that not long since there were three or four men, some seven or eight miles from here, went one night and took a negro out of his house and whipped him very severely. I have not heard that there has been any complaint made to anybody on behalf of the negro. I have not heard that the men have been

arrested. They are in town here every day. I saw one of them here day before yesterday, who it was said was one of the guilty parties. They go about at large when they ought to be in jail, every one of them. I have no doubt myself that it is this organization called Ku-Klux that has heretofore deterred the officers of the law from prosecuting offenses.

Question. Have they ever made any resistance to the officers of the law?

Answer. No, sir; the officers of the law are afraid of them. They are afraid to do anything—they are paralyzed by them.

Question. Would that be the case, do you think, if the officers were elected by the people of the State for themselves?

Answer. No, sir; I do not think it would. I will mention another cause. Our judges do not do their duty. They seem to me to be afraid to charge the grand juries. They seem to me to be afraid to speak in strong and bold denunciation of crime. They seem to plaster it over, dilly-dally with it along, when they ought to denounce it boldly and sternly. They are afaid of it. In reference to this late jail-delivery here, they took a negro out and shot him. The judge holding court here said nothing about it to the grand jury.

By Mr. BUCKLEY:

Question. What judge was that.

Answer. Judge J. Q. Smith.

By Mr. BLAIR:

Question. Has other Judge Smith charged the grand jury with vigor on these subjects?

Answer. No, sir; I never heard anything from him in the shape of a charge.

Question. Who is he?

Answer. He is a gentleman here from Michigan, I believe; a native of Massachusetts; I think he came from Michigan to this place. I said I would confine myself to this county, but I will mention one other instance. They wanted a superintendent of education in the adjoining county of Greene, one of the most intelligent and wealthy counties of this State, and instead of taking a citizen of the county and making him superintendent of education, they sent to Massachusetts for this Smith's brother and brought him here and made him one.

Question. Who made the appointment?

Answer. Indeed, I do not know who. I do not know whether it is the superintendent of education at Montgomery, or the governor. Mr. Buckley, you can tell.

Mr. BUCKLEY. The superintendent.

The WITNESS. Then it was Cloud.

Question. (By Mr. BLAIR.) How long have you lived in this State, did you say?

Answer. It will be thirty-five years next March.

Question. You are from New Hampshire, I believe?

Answer. That is my native State. I had been a citizen of Maine some time before I moved here.

Question. Are you a brother to John P. Hale?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say that there has been a good deal of violence and lawlessness in the community?

Answer. Yes, sir.

Question. Will you please describe it generally and in detail, so far as your memory will enable you to do it? First tell the committee the general character of the lawlessness.

Answer. Well, the general character of the lawlessness has been in taking negroes out by night and whipping them; in assaulting men in their dwelling-houses at night; in shooting down negroes—waylaying them and shooting them upon the road; in breaking open jails and turning loose prisoners, some to be killed, and some to be discharged. Now, that is the character of the lawlessness. I have never witnessed any of it myself, because I am pretty well advanced in life now, and I stay at home a great deal. There was a good deal of disturbance some time since at Belmont. There was a white man killed down there in the disturbance; and it was for killing him that they took this negro out of jail recently and shot him; so they said. They did not wait to have him tried—did not wait to inquire into his guilt—but came up by night, broke open the jail, and killed him. That is the kind of lawlessness we have about here, sir.

Question. Were these acts of lawlessness said to have been committed by men banded together and in disguise, under the cover of night generally?

Answer. In the assault upon Mr. Choutteau's house, when his German friend, Coblentz, lost his life, it was said that the men who committed the assault were disguised, and I think that some of the negroes found a portion of the disguise of one of the men; I heard it so said. One was a peculiar kind of a cap. It had a coon-skin tail brought over it

here, by way of disguise. Others wore some light-colored dress, I think, disfigured with paint.

Question. So as to conceal their faces and persons?

Answer. Yes, sir.

Question. So as to escape detection?

Answer. Yes, sir. I heard a gentleman of very high standing, who is now clerk of our circuit court, but he is now laid up in North Carolina, and in ill health, and perhaps never will return; he lived about as far off on one side of this house where the assault was made as I lived on the other. I have stated to you the reason I did not go out—because I had been shot at on a former occasion. I did not want to go out. The man I allude to is Major Herndon. He told me that he got up and went out into his piazza, and he saw men, and they were disguised.

Question. As to the various whippings of negroes, and the invasion of their houses at night, is it your understanding that those acts were committed by men who were disguised?

Answer. I cannot say that. I have always understood that. I have heard of some where they were disguised, and I heard of other instances where I did not hear that they were in disguise.

Question. Was there always a company, greater or less, that went to these negroes' houses?

Answer. That is what I have been told; what has been generally said and understood here.

Question. Could you favor the committee with anything like a reliable estimate of the number of homicides, and the number of whippings, which have been committed since the close of the war?

Answer. No, sir, I could not. I have heard of a great many, but I could not form anything like a reliable estimate now.

Question. Was it a matter of weekly or daily occurrence that you would hear of these whippings?

Answer. No, sir; not daily occurrence, nor perhaps not so frequently as a weekly occurrence, but I heard of them too often. I heard of men being shot down and killed as they were traveling in the road, negroes being assaulted and murdered.

Question. Did you hear of many such cases, murders of this description?

Answer. Well, sir, I heard of two that took place on the opposite side of this river, here at a place called Horn's Bridge; I heard of two negroes being shot at there; one was killed outright, and I do not know whether the other was fatally wounded or not, whether he ever recovered from his wounds or not. Then they killed a man by the name of Burke, in Gainesville, a town above this in this county, who was a member of the legislature. They came here to kill Chotteau, and Mr. Coblentz, a German friend of his who was staying with him that night, shot one of the men and killed him, and then they fired at Coblentz and killed him.

Question. Did you hear of another colored representative in the legislature from this county being shot—George Houston?

Answer. No; he shot one of those fellows that night himself. He did the shooting there. They assaulted him.

By Mr. BUCKLEY:

Question. Was not he shot in the thigh?

Answer. He may have been; I did not hear of that. They did assault him and he returned the shot, and shot a man. He was from an adjoining county; and then the killing of these two men they took out of jail; well, sir, it has been so common an occurrence here as not to excite much comment—a negro killed here, a negro killed there; a negro whipped last night, and another killed night before up here, &c. The last case I have heard of was this case up the road here about, I suppose, six or seven miles from town; Major Harris told me about it. Major Harris told me he had written to the district attorney of the United States calling his attention to the fact, for he said he understood from him that if two or more were engaged in such an outrage he could take notice of it in the Federal courts. He told me he had written to—I forget his name, the district attorney.

Question. For the southern district?

Answer. Yes, sir.

Question. Mr. Southworth?

Answer. That is the name; he lives at Mobile, and is an Illinois man. He said he had written to him, and he did not take any notice of it. I do not know whether the solicitor of our county has taken any notice of the case.

By the CHAIRMAN:

Question. State the particulars of the case.

Answer. All I heard of it I have heard from Major Harris. Major Harris volunteered to tell me, and he told me this: that the negro was with a man by the name of Cock-

erell, I think, and he demanded of Cockerell some money, which he said he owed him. Cockerell contended that he owed him nothing. The negro insisted, and said, "You do, and you ought to pay me." I understand Mr. Cockerell became angry and excited at the negro for claiming that he was indebted to him in any sum, and that night, or the night afterward, three men took the negro out and whipped him very severely, and Harris said it was for no other cause than that he had claimed that Mr. Cockerell was indebted to him. That is the last case I have heard of, sir.

Question. Have you ever heard or known of any one being brought to justice and punished for these outrages upon the colored people?

Answer. No, sir.

By Mr. BLAIR:

Question. Or the white people?

Answer. No, sir. I do not hear of anybody being brought to justice here. Our courts of law are a farce and a sham.

By the CHAIRMAN:

Question. Did you ever hear that these colored men were punished on account of their political influence, or because they voted the radical ticket?

Answer. No, sir. On that subject I heard this said once; it was at the time there were so many white men went down to Belmont to set the negroes straight down there; I never could ascertain what the negroes had been guilty of down there; some white men seemed to be much alarmed, and sent up here for aid. About that time I heard a gentleman say that the negroes were pretty thoroughly alarmed; that they would be afraid to come to town here, as they had been coming. Well, I did not question him upon that subject. I did not have any conversation with him, but I inferred, and I am satisfied that I was not mistaken in the inference, that he looked upon the violence that had been committed as having been committed with such an intent. That is all I ever heard about that.

Question. Do you know, or have you heard, that the employers of negroes have sought to influence their political action by depriving them of employment, or other oppressive means?

Answer. Yes, sir; that has been done in this county; I have no doubt of it at all. In fact, I heard one man say out here in the western part of the county, at the precinct called York, where the black vote used to be pretty large—I heard one white man say that they had made them all vote the democratic ticket.

Question. Did he tell you how they had operated on the negro to influence him?

Answer. No, sir; he did not tell me It was well known how such things were done here. They were threatened with dismissal from the plantations if they did not vote so and so.

Question. I wish you would give the committee your opinion when this Ku-Klux organization had its origin, so far as you may know or are informed—the cause which gave birth to it.

Answer. Well, sir, I know nothing on that subject. I know no more than any one would pick up from reading the newspapers, and the statements in them appear sometimes one-sided and very partial. I heard it said—and I have no doubt of the truth of it—that it was to deter the black folks from voting the radical ticket and to proscribe such men as myself, white republicans and scalawags, as they sometimes call us. In connection with that I will make this remark: After having lived in the county of Sumter here twenty-five years—and I do not know that in that time there has been any accusation brought against me as a law-abiding and well-disposed citizen—families that used to be familiar with my family, used to visit us frequently and intimately, do not come near us now, and have not for two or three years. Well, it cannot be, and my wife and I do not attribute it to, anything else than the fact that I have been known as a Union man, though I have never been what they call "a negro-man;" I never thought the negro ought to have been admitted to the right of suffrage. I do not think that any man, black or white, who can neither read nor write, ought to be allowed to vote. That is my opinion; other folks differ, but that is mine. I never voted for one, and, please God, I never will. My mind is fixed on that subject. I never will vote for a negro as long as I can get a white man to vote for, though I am no "white man's party" man. I do not raise that cry. The object of that organization, so far as I have been able to learn it or surmise it, is what I told you; but then I do not know that to be true.

Question. Did you hear of its existence in this part of Alabama before the year 1868, the year of the presidential election?

Answer. I cannot say as to the time precisely. What I heard of the formation of this party in this county was through the indiscretion of a woman. Her husband came here from Mississippi, and she came with him. I know her and know her husband, and I was told—and I have no doubt of the truth of it—she was indiscreet enough to say that her husband had come over here to form a Ku-Klux gang here; and shortly

after that I heard of and saw some threatening letters purporting to be from them. It was about that time that my neighbors quit calling upon me, or rather upon my wife, because she was my wife. I have been married twice in this county, and married a southern woman both times. There are a good many I have known a long time who will not come near my house now.

Question. That species of ostracism is continued up to the present time?

Answer. Yes, sir; but not quite so strictly. I will go now, since I have got on the subject, a step further. There is a gentleman living near me, a neighbor to me, who invited me to his house one day to play backgammon with him, and we played a very social game, without any interruption at all, and took a glass of whisky together, and he introduced the subject of politics. I told him it was a subject that I did not allow myself to talk on with such men as I knew him to be. I did not say it to insult him; but, knowing his opinions were extreme and opposed to mine, I thought we had better associate as friends and let politics alone. He became a little excited upon the subject, and politely asked me to leave his house. I told him, "God damn him, I would leave it, and him, too, forever. I was not concerned about his damned old house. I had one of my own to live in." We have been living so ever since, and I have never put my foot across his threshold. I told him to go to hell with his house. I am not a very discreet man myself; I say things I perhaps ought not to say; but when I entertain an honest opinion, I think I have a right in this country to utter it, and I utter it sometimes to my cost; but (I am left to say it myself here) in all the relations of life I have maintained an unsullied character in this community; that you may ask of all my fellow-citizens if you want to. Now, gentlemen, enfranchise the disfranchised, and give the government up to the citizens of this State, and there will be harmony sooner than there will under any other course to be pursued.

Question. Before we pass from the topic you were upon, I wanted you to state to the committee what manifestations of the existence of this organization came to your notice after you had this conversation with that Mississippi woman.

Answer. I did not have the conversation with her.

Question. I want to know what manifestations of the existence of this organization you noticed after that. What condition of things was here afterward?

Answer. I heard it said that one object they had in view was to ostracise, as I said before, men like myself, to proscribe them from society. Well, I saw the thing working in that way. Now, if there were a dozen men talking about having anything of that sort to-day, or to-night, if they saw me within a quarter of a mile of them they would hush it. There was no syllable ever uttered in my hearing; but I want to say that there is a great body of men in this county, and in this town, who deplore this evil as much as I do; who discountenance it, who are not friendly to it, and who are shocked at it as much as I am.

Question. Is it your understanding that this organization of men had their signs and pass-words by which they recognized each other?

Answer. Yes, sir; that is what I hear of them.

Question. Did you ever understand that it was one of the purposes of the order to drive from the country objectionable persons?

Answer. Yes, sir; I have heard that.

Question. You have stated already that your information and understanding is that another object was to influence negroes in voting or abstaining from voting?

Answer. Yes, sir.

Question. Did you also understand that one of the objects—perhaps that is the same statement in another form—was to promote the success of the conservative or democratic party, and to obtain for the democratic party the political control of the State and possession of the offices?

Answer. I have heard it so said.

By Mr. BLAIR:

Question. You say you have heard the purpose of this organization was to obtain control of the State by the democratic party? By whom did you hear that said?

Answer. If you will not press me to answer more definitely than I am going to I will answer you. I could not tell you by whom without betraying confidence. I do not think it becomes me or any other gentleman, when he has a conversation of a friendly character with one who indiscreetly betrays what he did not intend to—I do not think it becomes me to take advantage of it and go and tell it. I have heard men boast of it in this town. Now, I cannot tell you whom, because I think I should be betraying confidence. They did not boast of it to me as one participating with them in the feeling, or who coincided with them in their views on the subject, but I heard it boasted of by them as a thing they would do—that they were going to make the negroes vote the democratic ticket. Now I will make one other statement, and I do it under some embarrassment, but I cannot go any further than simply to make it, because I should there be betraying confidence, and not simply

the confidence which should characterize a gentleman, but confidence reposed in my wife. I know that the organization exists here.

By the CHAIRMAN:

Question. At this time?

Answer. I cannot say at this time; I do not know anything about it at this time: but I know that it was formed here. I have positive knowledge of it.

Question. Have you information as to how many members it included here?

Answer. No, sir.

Question. Have you any information as to the quality of men that that organization embraces?

Answer. Yes, sir; some men that surprised me very much.

Question. Men that stood fair?

Answer. Yes, sir; men that stood fair—that I thought would be far above it.

Question. Have you any information as to whether any fund was ever raised or attempted to be raised, here or elsewhere, to defray the expenses of this order?

Answer. No, sir.

Question. Do you know of any meeting of lawyers and ex-judges, or of the former alone, at Marden, Mississippi, or elsewhere, to devise ways and means of getting rid of men holding office under the constitution of 1868, and elected at the time it was submitted to the people for adoption?

Answer. No, sir.

Question. Do you know of any northern men who came here after the war that are well spoken of by the old resident white citizens of the community?

Answer. [After a pause.] No, sir.

Question. Is there a hostile feeling against all men who came from the North since the close of the war and settled in the community?

Answer. I think there is, sir.

By Mr. BLAIR:

Question. What gave rise to it? Was it the conduct and character of those northern men who first came here?

Answer. Yes, sir; it was. I think that the character of the carpet-bag fraternity gave rise to it. Some of the men who came here at the close of the war from the Northern States were of such a character as to cast suspicion upon everybody else from that quarter.

Question. My question is, was it the character and conduct of the northern men who first came here after the war?

Answer. Yes, sir; it was their character and conduct.

Question. That gave rise to it?

Answer. I unhesitatingly say so.

By the CHAIRMAN:

Question. Do you think that a northern man of excellent private character and republican sentiment could come into this community at this time and engage successfully in competition in business or any employment with resident southern whites?

Answer. I would not advise one to come at present.

By Mr. BLAIR:

Question. Do you think the conduct of the carpet-baggers who first came here would reflect itself upon any who come from there?

Answer. Well, I think the conduct of the carpet-baggers here has produced nearly all the discontent.

By Mr. RICE:

Question. What carpet-baggers do you refer to?

Answer. I refer to such as we have had here in this town.

Question. What are their names?

Answer. Rolfe, the man who was in the convention, and a man by the name of Hayes, who was with him. I will give you an instance of Mr. Hayes.

Question. Where was he from?

Answer. God knows; I don't.

Question. You do not know whether he was from the North or not?

Answer. Yes, sir; he was from the North. I have heard him say so. I think he was from New York. Hayes was nothing better than a worthless vagabond here. This Major Perce, late member of Congress from this district, appointed him to some office in the Freedmen's Bureau—sub-agent for this county, perhaps—and he went to Mobile. He got into the confidence of some negroes here; got them to ship their cotton to him to Mobile, and he went down and sold their cotton, and got about a thousand dollars in money, and ran away with it. The man on whose farm the negroes had worked,

and where they had made their cotton, came to me and laid the case before me, and I wrote to Major Perce about it. But no; the man was suffered to make his escape, when he could easily have been arrested. The negroes lost their cotton. This scoundrel put the money in his pocket, and the man who put him in office to empower him to do the theft let him go. He boasted—both of them boasted—"Damn the nigger; they didn't care anything for him. There was money in him, and they meant to have it." Hayes boasted that he made $5,000 out of the poor things.

Question. Those two are the ones you referred to?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Lane—have you spoken of him?

Answer. I will say——

By the CHAIRMAN:

Question. Was not Lane a man of good character?

Answer. I was just going to say, I think Lane was the most decent of all of them. Lane appeared to me to be very much of a gentleman. He got tired of his position here, and went back to Ohio.

Question. Do you think the people of Sumter County would have been satisfied with any appointments if the appointees had been northern men, no matter how good their private character was, or how responsible they may have been in their circumstances—would they have been satisfied with them?

Answer. No, sir; I do not think the people of Sumter County would have been satisfied with the appointment of any northern man here to office under the circumstances, and I think a man's coming here and taking office under such circumstances, and holding it despite the will and wishes of the people, shows his total and utter unfitness for the office.

Question. Do you think it would have been proper for the General Government to have appointed to Federal offices men who were fresh from the rebellion?

Answer. No, sir.

Question. From among the community here?

Answer. No, sir.

By Mr. BLAIR:

Question. They do it, however, did they not?

Answer. Yes, sir. Why, what is the man on whom all the offices of this county were conferred but a man fresh from the rebellion, who could not, and never did, take the oath required by law?

By the CHAIRMAN:

Question. Did he not serve in the Union Army?

Answer. No, sir; in the confederate army four years; and the tax-assessor had been in the confederate army; he was a quartermaster at Gainesville.

By Mr. RICE:

Question. Was there not as much feeling against Price as against Rolfe and Hayes?

Answer. Yes, sir.

Mr. BLAIR. He had not even a carpet-bag?

Mr. RICE. Was not he a resident of this State?

Mr. BLAIR. In the penitentiary?

The WITNESS. Yes, sir; I believe he was a native of Coosa County.

By Mr. BUCKLEY:

Question. Was it because of the coming of the carpet-baggers here that certain families have left your house and do not now visit with your wife?

Answer. No, sir. I told you that it was owing to the organization of the Ku-Klux that they proscribed me. It was after that.

Question. That was after you had voted for General Grant, was it not?

Answer. Yes, sir; but it is well known here that I voted for him, I suppose. I do not take the advice of anybody. I vote for whom I please. I did not take anybody's advice, and did not deprecate anybody's anger about it. No; the thing that gave dissatisfaction to the republican party of this county was, that its existence was ignored by the military authorities. Now, in the instance I referred to in the case of Beville, I recommended four or five Union men here, men of integrity and standing, and of loyalty. Why, there was no more attention paid to my recommendation than if I had not named them. But this corrupt rebel was hunted up—this Beville; a man who had been appointed to collect cotton subscribed in the war, and in the exercise of his office became offensive to those men who cordially concurred with him in his political sentiments; and I have a letter from Major Perce now, in which he says, "I have seen Mr. Beville this morning, and he has consented to accept the office of sheriff." How does

a Union man feel at that when his claim is derided and laughed at, and these damned rebels picked up and thrust at him? I tell you I feel excited on the subject, and have been ever since I have seen the conduct of the military officers in this State.

Question. Was not he the appointee of Governor Parsons?

Answer. It was in the reign of Smith. But Parsons is a political weathercock. When Parsons was governor, he consulted all the confederates, and he gave them office because he wanted to buy himself into favor with the party. Now he turns about, after having boxed the compass; God knows where he is now. I believe he is a radical, with Sam Rice.

Question. Mr. Hale, was it not a fact, at the close of the war, when the State convention met in September, 1865, that that convention was completely and wholly in the hands of the secessionists of this State? Is not that a fact in the history of the reconstruction of this State?

Answer. I am thinking of it. You mean the first convention?

Question. The first convention, which was held in 1865.

Answer. Yes, sir; I think it was.

Question. Now, is it not a fact, Mr. Hale, that the subsequent legislature, which was elected in the fall of 1865, was also completely in the hands of the secessionists in this State? They comprised two-thirds, did they not, of the entire legislature?

Answer. I think that is so.

Question. What chance, then, had you Union men of getting any notice or attention in this State?

Answer. None under God's heavens, because the government preferred a rebel to a Union man.

Question. But the citizens of the State?

Answer. Whenever they had an appointment, a rebel had the office conferred upon him.

Question. Wherever an officer was elected, was he not elected of that kind in this State; was not Governor Patton himself, who was elected governor that fall, and was not Mr. Sanford, the attorney general, and every other State officer—were they not all secessionists?

Answer. I do not know about Patton. He is an old jackass, wherever he is.

By Mr. BLAIR:

Question. In whose hands was the convention which sat in 1867 or 1868?

Answer. That was in the hands of the—it has been called the "carpet-bag convention."

Question. What sort of men were they?

Answer. I told you I confined myself to this county, and this Rolfe was one of them. I have described him accurately to you.

Question. You knew them in other counties, did you not?

Answer. Well, sir——

By Mr. BUCKLEY:

Question. Was not Mr. Yordy, who represented this county, a man of good character?

Answer. I am not complaining; I said when you first mentioned him I had nothing against him, only he is not a citizen of this county, and never was. I think the county has a right to be represented in the senate by a citizen of the county, and he never was a citizen of the county. He was an officer in Alabama, and has been for three years.

Question. There was a colored man, named Inge, in that convention. Was he not a very good colored man?

Answer. Well, about as good as the rest. Since he became free he got to drinking whisky. He killed himself drinking. He was about as good as the rest of them. Being sent to the legislature set him up a degree, and he drank himself to death in three months. He had been a very pious brother.

By Mr. BLAIR:

Question. What was the character of the other carpet-baggers in that convention?

Answer. I did not have any personal acquaintance with them.

Question. You know them by report, by reputation?

Answer. They had not much more character than Rolfe.

By the CHAIRMAN:

Question. Would the people of Sumter County be any more loyal or attached to the Government of the United States to-day if the democratic party here had possession of all the offices?

Answer. I think, Mr. Pratt, that the course pursued by the Government of the United States toward the people of the State of Alabama has engendered such a feeling as will not readily subside. I think that they are hostile to the Government of

the United States, and they would be so under any circumstances for some time to come.

Question. They have been hostile, discontented, and out of humor ever since the surrender?

Answer. They had enough to make them out of humor. The constitution was put to them to vote on it, and they voted it down by a clear majority, so General Meade reported, and still it was forced upon them.

Question. Have you any idea that the men who fought against this Government four years, and sought to overthrow it, love it now, or ever will love it, under any circumstances?

Answer. A great many of them never will; I am satisfied of that.

By Mr. BLAIR:

Question. What ought to be done with them?

Answer. Now, I am glad you have asked me that question.

Question. Ought they to be ridden to death by carpet-baggers, and these unprincipled characters?

Answer. Wait a moment, and I will answer the question. I was of the opinion at the close of the war that the leading rebels ought to be hung; but the Government having refused to hang them, they ought to be pardoned and restored to their standing as citizens, and not be bedeviled and treated in the way they have been—disfranchised, and everything else done that ought not to have been done to them. They ought to be enfranchised now and made voters and citizens. If the Government intens to punish them——

Question. The question has been put to you fairly and squarely by the chairman of this committee to know whether they are not hostile, and whether they will ever be anything else. I desire to know of you, if they are hostile, and have been hostile, ought they not to be punished according to law, and by trial, and not be deviled by the outcasts from society?

Answer. Yes, sir; that is what I think. I think they ought to be restored to full citizenship. This is not the first civil war that ever occurred in the world, and it will not be the last one. That they should be dissatisfied, that great dissatisfaction should be felt here, is perfectly natural; that there should be much hostility manifested is perfectly natural. That hostility would have been far less than it is now if they had not been proscribed as they have been, by being disfranchised. If they had acted upon General Grant's report, when he came here, there would have been, I think, a very different state of things in this State—a very happy one now.

By the CHAIRMAN:

Question. Do you not think we ought to look with some distrust upon men who have once taken the oath to support the Constitution of the United States, afterward violated it by voluntarily entering the rebellion, and seeking to overthrow the Government; have you the idea that this class of men should be restored to the right of holding office and violating this constitutional obligation again?

Answer. There is no man holds the crime of secession and rebellion in more abhorrence than I do, and no man thinks of it as a greater crime than I do; but these men who exercise or feel this hostility to the Government of the United States now ought to be treated as citizens, or banished the country, one of the two. To keep them here will only keep the mass of the people here discontented as long as they live. Now, I do not think that the Government should make any exception after having pardoned such men as they have—after pardoning Longstreet and putting him in office. Who can't they pardon with as much propriety as him?

Question. Have you ever known Congress to refuse to remove the political disabilities of any one who, in good faith, made application for their removal?

Answer. I do not know, sir; I do not know who made application.

Question. Do you not know that the great mass of men who are now disqualified by the amendment have refused to apply to Congress for the removal of their disabilities?

Answer. No, sir; I do not know that. It may be so, for anything of which I have any knowledge. I know this: That there is a large body of men in this State who are loyal men and good Union men that were forced into the army, and who always thought the war wrong; and yet the existence of Union men and loyal men has been denied. I think it has been said by General Grant that he did not think there was one to be found in Alabama, or in the South, fit to be trusted with office. That is the mistake that has been made. It has embittered those who were loyal during the war.

Question. Do you not know that Congress, at its last session, made provision by law for a commission for investigating the claims of loyal citizens of the South for losses incurred during the war?

The WITNESS. Where is that commission?

The CHAIRMAN. It is in session at Washington City at this time.

The WITNESS. I will go on and see it.

Question. Had you heard of the passage of such a law as that?
Answer. No, sir. I know, down there, both sides robbed me. The confederates picked me bare, and, after I had been robbed, it was not enough; it was like the plagues of Egypt: the Federal cavalry came along and took what I had left away from me.

By Mr. BLAIR:

Question. And then the carpet-baggers taxed you?
Answer. Yes.

By Mr. BUCKLEY:

Question. And then the Ku-Klux attacked you?
Answer. Yes.

By the CHAIRMAN:

Question. What offices are held by carpet-baggers in this county at this time?
Answer. Senator; that is one. The others are appointees. There are no more that I know of now.
Question. Is not the present sheriff a democrat, who votes with the democratic party?
Answer. I do not know, sir; I know but very little of him.
Question. Is not your probate judge a Union man, and has he not been a citizen of Alabama a great many years?
Answer. Yes, sir.
Question. Your county commissioners, who are they?
Answer. I do not know.
Question. They are not carpet-baggers, are they?
Answer. I reckon not. I do not know any of them. I mix myself up here less with public affairs than almost any other man in the county. I live at home and attend to my own business.
Question. Your justices of the peace are all resident citizens here, and democrats, are they not?
Answer. I do not know whether Trott is a democrat or not. He was a Union man.

By Mr. BUCKLEY:

Question. Is not your old friend, Major Hernden, an office-holder in the county?
Answer. My old friend, Hernden, is on his death-bed in North Carolina.
Question. Still he holds an office here, does he not?
Answer. Yes, sir; he holds two.
Question. It has been stated that he holds six.
Answer. He has got three now, I think.
Question. Are they, all combined, enough to make a decent living?
Answer. O, yes, sir. The clerkship of our circuit court will give a man a good living.

By Mr. RICE:

Question. How was it, Mr. Hale, that where there were so few carpet-baggers they got control so as to call this a carpet-bag government, where there were so few in a county?
Answer. O, I do not say we have many carpet-baggers here now. We had some, but they got dissatisfied and went away.
Question. You never had many?
Answer. We had Mr. Yordy and Mr. Lane, and the two Cecils, and Rolfe, and Hayes, making six, and there were two or three in Gainesville. There was one fellow in Gainesville they nominated for some office here, perhaps to the legislature, and he said he did not think he had a right to represent this county in the legislature, and would not accept the nomination.

By the CHAIRMAN:

Question. Your county solicitor is a democrat, is he not?
Answer. Yes, sir; so is everybody else here now, except myself and Abrahams.
Question. Your solicitor is a resident citizen of the county?
Answer. Yes, sir.
Question. Your grand jurors and petty jurors are selected from the old resident white population of Sumter County, are they not?
Answer. No, sir.
Question. Who are they selected from?
Answer. The blacks and whites.
Question. Are they not composed in the main of white democrats of the county—your grand and petty juries?
Answer. The majority of them are white citizens, sir.
Question. Are not these the instrumentalities by which crime is ferreted out and the

perpetrators of crime brought to justice—your solicitor, your grand and petty jurors, and your sheriff?

Answer. Yes, sir.

Question. Then, if there was an earnest determination on the part of the good men of the community to put down these violations of law, these outrages of which you have spoken, where would be the difficulty in putting a stop to them?

Answer. Well, I will tell you. This is the room where the grand jury deliberates, and it has never been known how many Ku-Klux are on it. If they have eight or ten Ku-Klux on the grand jury, your deliberations here get to them very soon.

Question. I see just where the trouble is now. I will ask your opinion on another topic. Would it not bring down the vengeance of the Ku-Klux organization if any man were to make himself prominent as prosecutor, or grand juror, or county solicitor, in endeavoring to bring the members of this Ku-Klux organization to justice?

Answer. Well, I told you that I thought they had paralyzed the officers with fear. They are afraid really to do their duty.

By Mr. RICE:

Question. I wish to ask one question. The colored voters most generally voted with the republicans prior to the last election?

Answer. Yes, sir. There has been a republican majority in this county—a large one.

Question. At the last election it went democratic, did it?

Answer. Yes, sir.

Question. How do you account for the change?

Answer. I have my opinion about it only.

Question. What is it?

Answer. I think they have been deterred from going to the polls to vote as freely as if they were let alone.

By Mr. BLAIR:

Question. But they came, and the vote was nearly as large as in the presidential election?

Answer. I think not. I never compared them; but I have always been under the impression that the vote was much smaller. At this town, or precinct, there was a republican majority. The result was obtained by an absolute change of vote.

By Mr. RICE:

Question. Some of them voted the democratic ticket—many of them. Do you account for that in the same way?

Answer. Not altogether that way. The wealth of the county here is in the hands of the party called the democrats. They own the soil, and that fact has a legitimate influence over a great many blacks; and yet I think if the blacks had been let alone, and left to vote freely of their own accord, they would have voted the republican ticket.

Question. In the township of York are there a good many colored voters?

Answer. Yes, sir; there is the place where I told you they were all deterred.

Question. There were no republican votes cast there at the last election?

Answer. None at all.

Question. How do you account for it?

Answer. I told you a while ago.

Question. They were deterred?

Answer. Yes, sir; they were deterred.

Question. Warsaw—were there many republican votes there?

Answer. Yes, sir.

Question. Were any cast?

Answer. No, sir; not at the last election.

Question. For the same cause?

Answer. I think so; the same cause operated there.

Question. Cuba is the same way?

Answer. That is a smaller precinct; but the same influences, I think, were brought to bear.

Question. Intercourse is in the same situation?

Answer. Yes, sir; I heard of all these things. I heard the boast made, at the time the returns came in, that there was no republican voters left in these precincts. I heard that statement made.

Question. Made by democrats?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. At Payneville too?

Answer. That is a small precinct. I heard it all talked over, and heard the boasting I have no doubt they were deterred by such influences as I have described.

By Mr. RICE:

Question. They do not now feel free to vote their sentiments?

Answer. I do not think they are. I think a great many of them are afraid to vote as they want to.

By Mr. BLAIR:

Question. Is this paper a true copy of the letter you sent?

Answer. Yes, sir; a true copy of a letter I wrote to Senator Wilson. I wrote it because I thought there was a great deal of knavery committed here.

Mr. BLAIR. I desire that original paper kept with the papers of the committee, and I shall present it at Washington, and ask that the decision of this sub-committee be overruled, and the paper admitted.

[The action of the general committee upon the exception taken by Mr. Blair is shown in the following extract from the Journal of the Committee, page 620:

"JOINT SELECT COMMITTEE.

"WASHINGTON, D. C., *December* 21, 1871.

"The joint select committee met pursuant to the call of the chairman. Present, the chairman, (Mr. Scott,) Messrs. Bayard, Blair, Cox, Poland, Pool, Pratt, Rice, Stevenson, Van Trump, and Waddell.

"Mr. Pratt, chairman of the sub-committee appointed to take testimony in the States of Tennessee, Alabama, and Mississippi, presented a report, from which it appeared that, during the investigation, Mr. Blair had filed exceptions to the ruling of the chairman in relation to the admission of certain testimony and the exclusion of other testimony, as follows:

* * * * * * *

"2d. At Livingston, Alabama, on November 2, 1871, Samuel A. Hale was called as a witness by the minority, and asked if he had written a letter on the political condition of the country to Hon. Henry Wilson, in January, 1868. He produced the letter, and Mr. Blair offered it as part of the testimony. It was excluded. Mr. Blair excepted, and appealed to the general committee.

"On the question, 'Will the joint committee sustain the ruling of the chairman of the sub-committee (Mr. Pratt) in excluding the letter of Mr. Hale?' it was determined in the negative.

"*Ordered*, That said letter be incorporated in the testimony of Mr. Hale."]

The letter of Mr. Hale referred to is as follows:

Letter of Samuel A. Hale to Hon. H. Wilson.

LIVINGSTON, SUMTER COUNTY, ALABAMA, *January* 1, 1868.

DEAR SIR: I wrote to you some months ago a long letter, which was so well received that I am now about to write you another. I hope you will receive and reply to this as kindly as you did my first. I was emboldened to write my first letter by these considerations: I have read all of your speeches and letters that I have ever seen published, and I have been so much impressed by them—of the generosity of your nature, of the goodness and kindness of your heart—that I have long entertained for you a feeling of sincere respect. This, sir, is not the language of flattery. I have never seen you. It is not probable that I shall ever see you. I have nothing to hope from your smiles; I have nothing to fear from your frowns. I have long believed you to be an honest man; and it is as such that I now address you. I have seen your name coupled in the rebel press of the South with many opprobrious epithets; but these have never had any influence upon me; and it gives me great satisfaction to be able to say that they do not seem to have had any influence upon yourself hostile to that unfriendly source from whence these terms of contemptuous reproach have emanated. They do not seem to have disturbed your equanimity, nor to have turned you, in any degree, from the straightforwardness of your course. It seems to me that you have displayed, in your senatorial career, the calmness and the serenity of the philosopher and the Christian. In saying this to you, sir, I am earnest and sincere, if I were ever so in my life. I am convinced that you will believe me.

In my former letter I gave you sufficient references to satisfy you who I am. Let me now tell you what I am. Unless I am at fault in my recollection, you and I are natives of the same State—the good old State of New Hampshire—the Granite State—the only productions of whose soil, as has been so well said of that noble State which

on so nobly represent in the Senate, are rocks and men. Few things have been so well said of any country as was this by Mr. Everett of the glorious old State of Massachusetts. Other soils, in more genial climes, produce things of more rapid growth and more rapid decay. New England produces granite rocks and granite men. That we are natives of the same State should beget a fellow-feeling between us, unless, indeed, there are some foreign or extraneous circumstances to counteract the legitimate influence of this fact. Let me hope that there are none such, but that both of us being sons of New Hampshire, are moved by that love of truth and justice by which all men should be guided and controlled. Whether we are sons of New Hampshire or not is an immaterial fact, inasmuch as I address you under the influence of such a supposition; but if I am wrong in this supposition, there nevertheless remains between us the bond of a common New England origin. Nor is this the only bond of sympathy between us. I am a member of the republican party. You, sir, are one of the most trusted counselors and leaders of that party. I have, then, a right, inasmuch as the success of the party, in its great measures, is a matter of interest to myself as well as to you, to remonstrate with you upon the course you are pursuing in your leadership of the great party to which we both belong. In the destiny of the republican party you and I are individually concerned; and, let me say to you, not by way of threatening, but rather in that of earnest and friendly remonstrance, that the destiny that awaits it, unless it retraces some of its steps in the matter of reconstruction, is ominous of evil.

I have been a citizen of Alabama almost thirty-one years. In all that time I have been in opposition to the extreme State-rights men of the South. I was for the term of nine years, from 1837 to 1846, the editor of the Flag of the Union, a democratic paper, published at Tuscaloosa during all that time, the capital of the State. For my opposition to the members of the democratic party of that day, holding extreme opinions upon the doctrine of State-rights, I was denounced by them as an unsafe man; deprived of the patronage of the party, and turned over to the tender mercies of my political opponents. Of this I have never complained, for the reason that I greatly prefer to suffer in support of the right, to prosper in support of the wrong. The Flag of the Union had been established in the times of nullification, to oppose the spread and triumph of that treasonable heresy in Alabama. I was invited in the summer of 1837 to take the editorship of the paper, and was warned to keep it true to the principles for the support of which it had been established. It has never been alleged against me that I betrayed the trust reposed in me. It was, on the contrary, because I could not be seduced to betray them that I was condemned.

It is never very pleasant to have to speak much of oneself. In what I am saying of myself I am only preparing the way for that which is to follow. Upon leaving my editorial charge, I returned to the practice of my profession in the county of my present residence. But while I have been engaged in the study and practice of the law, I have not been blind to the schemes of those who I knew hated the Union, and who would, one day, seek to accomplish its dissolution. I have seen the development and spread of disunionism in Alabama, from the time of the suppression of nullification by General Jackson until it culminated in open secession and rebellion in 1861. When this act of criminal folly was performed by the rash and violent men of that day, many of those who had acted with me up to that time in opposition to their mad schemes of non-intercourse with the North and a dissolution of the Union, were carried away by the excitement of the day, and became inextricably involved in the treasonable movement. Not so myself. I had always loved the Union of all the States; and I could not be carried away by a movement which I looked upon as being the greatest crime against mankind that had ever been committed. I remained true to the Union, at the risk of my life. Perhaps my enemies will say that I overestimated my importance, and that I owed my safety to my insignificance. Be it so. This did not serve to protect my property from being plundered from me; nor did it long serve to protect me individually. Insignificant as I may be represented to be, I had the honor of being placed at the head of a list of seven Union men, who were selected to be hanged by the enraged secessionists about us. I take no pleasure in referring to this circumstance now. I only do it for the purpose of showing you who and what I am; and that what I may hereinafter say may have the greater weight with you. I am no discontented conservative—no disloyal rebel. I am a Union man, and have been from the beginning. I am a republican, and have been ever since it was safe in Alabama for a man to avow himself to be such. These statements respecting myself will not be denied by any one; they are strictly true.

Having thus said as much, perhaps more than was necessary, concerning myself, let me turn to another subject of which I can speak with much less embarrassment than I can when I am speaking of myself. That subject is the convention lately held in Montgomery, by which a constitution for this State has been formed, and which will be submitted to the black voters of the State, for adoption or rejection, on the 4th of February next. I say "black voters," because there are so many more of that color than there are of whites, that they have it in their power to do with it just as it pleases

them to do. But let me return to the convention. There has been a great deal said in the conservative press of the State about the members of this body, who and what they were, and where they came from, how long they had been in the State, and whether they were qualified to sit as delegates in the convention or not; much about the way in which they were nominated and elected, and much about the way in which they conducted themselves as delegates in the convention; much that was true and much that was false, has been said of them. In what I am about to say of them I will confine myself to that which I know to be true. Many of them were ignorant, too grossly ignorant for any such station. A large proportion of them were newcomers among us, of whom our people knew nothing at all. Their election was the most ridiculous farce ever beheld. I wish you could have seen the poor, ignorant blacks giving in their "bits of paper," as they called their printed ballots, when they knew no more of the names on them, who they were, what they were, than you did at the same time in your far-off home. I think it entirely safe to say that in all the elections ever held in the United States, there has not been so much fraud committed as there was in this one. The negroes think they have been greatly wronged because they have not been paid for voting. Of the three delegates sent from this county, two were white and one was black. The two whites were strangers here; where they came from has not been positively ascertained. One of them, called Rolfe, is said to be a vagrant from the State of New York, where it is said he has a wife and family living, whom he has not seen in four or five years, yet he claims to be a citizen of Alabama. He had been here some three or four months prior to his election as a delegate, sometimes working as a carriage trimmer, sometimes drinking whisky and making drunken exhibitions of himself upon our streets. He is known as the hero of the two shirts, from the fact of his having left his hotel in Selma without paying his bill, while on his way to the convention, leaving behind him a carpet bag, containing those two necessary articles of wearing apparel, which comprised his entire baggage. Of the other white delegate, called Yordy, I know so little that I have but little to say of him. I had never heard of him until the day of his nomination. Neither of them ought ever to have been thought of for the responsible station to which they were elected. Nor would they have been thought of had the nomination of delegates been left to the white Union party of the county. It did not, however, suit the purposes of the military power that now so insolently tramples upon the people of this State to leave the nomination of delegates to the Union party. Emmissaries were sent here by military officers, who are now themselves candidates for election, and the nomination of these men forced upon us. Unfortunately for us, poor proscribed members of the Union party, these military men have too much influence with our ignorant black population. Military officers, while holding their rank in the Army, ought never to be allowed to become candidates for civil elective offices. Other members of the convention, from other counties, were of a similar character, and their nomination and election effected by the same means. Of the constitution itself, about to be submitted to the blacks for their adoption, I can only say that I look upon it as being an infamous outrage upon civilization. It places every interest of the State at the disposal of the negroes. Every office, from governor to constable, from the chief justice of the supreme court to the magistrate of a county beat, is made elective and placed at the disposal of the blacks, not one in five hundred of whom can either read or write, and who know no more of what they are doing, when they vote, than would a hog or mule know, if those brutes had the privilege of voting. They vote just as they are told by the agents of the military sent among them for the purpose of controlling them. And then their action is called an election. Can there possibly be a more scandalous abuse of a term than this? Election implies free will—liberty of choice. The poor negro has no will in the matter at all. He does as he is told to do by his military masters—he is afraid to do otherwise—and that is all there is to be said about it. To call such a ridiculous mockery an election, is such an abuse of language as no apology whatever can be offered for. I have myself been in favor of giving the negro a qualified right of suffrage, believing that it was necessary for his safety, and would ultimately stimulate him to improvement. But the idea of making him eligible to every office in the State is one that never entered my head. The negro has been corrupted and debased by slavery—the worst condition of human life—and he never will be fit for the proper discharge of the duties of any civil office whatever until he has been educated up to it. The low passions and prejudices incident to a state of slavery cannot be eradicated by a legislative enactment, nor by a constitutional provision. These remain with the slave long after his emancipation, even to the end of his life, influencing his conduct and determining his action, when he is unconscious of it. This is the case with many who have had advantages superior to those the poor slave ever enjoyed. It is only to those who have been born and reared in a state of freedom to whom the right of voting in popular elections can safely be trusted. And even all of these are not qualified for the exercise of this important right. How much more, then, is the poor, ignorant negro, just emerged from a state of slavery, and who is, in point of knowledge, but little superior to the brutes

—the mules and the hogs—among whom he has grown up, unfitted for its proper exercise. The purity of the ballot-box is the great preservative of freedom in our country. Now it is absolutely impossible that there can be anything but the grossest corruption in our elections, when the great body of our electors—a vast majority of them—are ignorant blacks, every one of whom is as venal as corruption itself could desire to have them. But perhaps, sir, you will ask me why it is that I attempt to argue this matter with you, when it is already a "fixed fact" that our emancipated slaves, with all their passions and prejudices, their brutality and their ignorance, are to have the right of suffrage given to them, and placed in power over the white race in these Southern States. If, indeed, it be a "fixed fact" that this great wrong is to be perpetrated, and the white race, the men of your own blood and color, subjected to this outrageous indignity, let me tell you what will inevitably come of it. There will come of it a conflict of races such as has never been—such a conflict as it sickens the heart to contemplate. Just so sure as one day follows another in the order of time, this conflict will come. Not all the military strength of all the powers in Christendom can prevent it. That these two races—the white and the black—can live under the terms imposed by the reconstruction acts, in these Southern States, is absolutely impossible. The antipathies and prejudices which are natural in the two races, and which have been growing stronger and stronger through the long course of two hundred years, cannot be easily effaced. The circumstances under which these two races find themselves here, since the emancipation of the blacks, are sufficiently antagonistic of themselves to cause serious apprehensions in the minds of all thinking men, even now. These apprehensions are greatly increased by the provisions of the new constitution, which secures the supremacy of the black race, and they are cleared of all doubt whatever, and raised to absolute certainty, by the diabolical conduct of the reckless and unprincipled adventurers who have come among us from the Northern States and affiliated with the blacks. They assemble the negroes in large numbers, in convenient places, or meet them in the Union Leagues, and address them in inflammatory speeches, upon the treatment they received from their masters while they were slaves, and they warn them against their former masters, telling them that the only friends they have in the South, are the men of the northern army who came here and fought for their liberation from slavery. The influence of such speeches is seen in the character of the nominations now being made for the offices to be filled at the election to be held on the 4th of February next. I will confine myself to those recently made in this county, under the influence of such harangues, made to the negroes by emissaries sent here for that purpose, and believed by every one to be the emissaries of an officer of the Army, who has just been nominated to Congress for this district, but who, were the nomination to be made by the white Union party of the district, would no more have been thought of for that station than he would have been for preferment to the bishopric of this diocese, had there been a vacancy in that sacred office. First, we have Tobias Lane, as nominee for the probate judgeship of this county. Lane is a stranger here, from Ohio, who is wholly unknown to our people; is altogether ignorant of our laws; and it is not pretended, even by his friends, that he is qualified for the office. He has been put in nomination over the present incumbent, a long-tried and worthy member of the Union party, but who had the misfortune to have been a slaveholder. The second is Yordy, the member of the convention before alluded to. He claims to have been a captain in the Federal Army; hence the secret of his nomination for the senate from this county. The candidates for the lower house of assembly are one white and two black men. The white man, when last seen here in this town, was an inmate of our county jail, for some violation of our criminal law. No one knows who he is or where he came from. Then we have two brothers of the name of Cecil, from Ohio; the one for sheriff and the other for treasurer of the county. The would-be treasurer is now engaged in partnership with a negro in the retail grocery business here—in vulgar parlance, keeping a negro doggery. Here, once more, the hero of the two shirts looms up before us—Benjamin Rolfe. He is in nomination for the important office of tax-collector; while another stranger, of whom I never heard before, is in nomination for the office of tax-assessor. For the important offices of commissioners of revenue and roads, we have one white man, of whom I never heard before, and three negroes. I have been thus particular in the mention of these candidates, not only on account of their being entire strangers among us, and of the way in which their nomination was effected, but more particularly for the purpose of calling your attention to the following facts in connection with the election at which these delegates are to be chosen. Lane and Rolfe are candidates for the two most important offices in the county—probate judge and tax-collector. They are also members of the board of registration, and, by virtue of their office, managers of the election. I cite for your information the following paragraphs from General Pope's election-order, being General Orders No. 101, dated Atlanta, December, 20, 1866: "It shall be the duty of the board of registration in Alabama, in accordance with the said acts, commencing fourteen days prior to the election herein ordered, and giving reasonable public notice of the time and place thereof, to revise,

for a period of five days, the registration lists, and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. The board of registration shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said acts, who have not already been registered." Was it ever before heard of, that candidates for office in a popular election were not only the managers of the election in which they were to be chosen, but were also clothed with the power of determining who shall and who shall not vote in their election? Is it not an insulting mockery to call such a swindle as this an election? It is nothing less than naked despotism that scorns to affect the form of law for its concealment. That any man would hold an office, to which he had been elected under such circumstances, is proof of itself of his utter unfitness for any office whatever, requiring in the discharge of its functions either common honesty or common decency. When one reflects that General Pope has not required that the lists of voters shall be revised and the elections held by those who are not candidates, but has opened upon us so widely the doors of corruption, one cannot but believe that some of the many charges brought against him are not altogether so fictitious as his friends would have the public believe.

In my former letter I made the appointment of a disloyal secessionist to the office of sheriff of this county by Colonel Swayne, the military commander of the State, the subject of one of my complaints. The appointee did not and could not take the oath required by law. He gave a bond which the grand jury of the county reported as being insufficient. He then obtained the name of at least one Army officer on his bond—Major Charles W. Pierce, of Demopolis—and continued in the exercise of his office until happening to give offense to his official sureties, he was given up by them, when Colonel Swayne directed him to remain in and exercise his office without either oath or bond. Could any act on the part of Colonel Swayne have been more insulting to our citizens, more reckless of their rights and interests, more insolent and more despotic than this? These things are done by our military rulers, and the vagrants, vagabonds, and strangers among us are nominated to fill the responsible offices of the State, to give color to the lie that has been told by them, that there are not loyal Union men enough for these offices. A more infamous lie was never uttered. The Union men of the State could fill them with far more advantage to the State, and with much greater satisfaction to the people than can these worthless vagrants who have been floated down here upon us. You said in one of your published letters, speaking of the people of these misgoverned States of the South, "These people have been punished enough." May Heaven bless you for this compassionate utterance. If you will come among us once more, and witness our poverty and our suffering—see with what loathing the proud and high-minded white race turn away from the degradation to which it is attempted to subject them, you would say not merely enough, but that they have been punished too much. The supremacy of the black race is not necessary for the reconstruction of these States, and to force it upon them is a wanton aggravation of their miserable condition. I appeal to you, sir, as a Christian statesman, to interpose in our behalf, and prevent the infliction of this last outrage upon us.

I remain, very sincerely, your friend,

S. A. HALE.

Hon. HENRY WILSON,
United States Senate, Washington, D. C.

P. S.—Since writing the above, I have heard that Pope and Swayne have been removed. I am thankful for it. I have also learned that the nominee of the military power for the judgeship of this circuit is a stranger from Ohio, who is not even a licensed lawyer in our State.

S. A. H.

You may make what use you please of this letter.

Reply of Mr. Wilson to Mr. Hale.

UNITED STATES SENATE CHAMBER,
Washington, January 11, 1868.

DEAR SIR: I have received your letter of the 1st instant, and have read it carefully. I am, of course, aware that wrong things have been done by persons who have gone South, and that there is much to complain of. It must, however, be conceded that such a state of things is, in a great measure, owing to the condition of the country South, and it is a stage through which every country must pass under similar circumstances. I do not agree with your views respecting the colored people, believing that the start in reorganization should be on a basis of equal rights for all men.

If the Union men of the South, instead of calmly folding their arms and resigning themselves to circumstances they so profess to deplore, would take hold and exert themselves to aid in the reconstruction measures, a better state of things might exist.

I have no fears whatever of the "war of races." I do not think there will be any serious trouble between whites and blacks, and it is entirely in the power of the whites to obviate any isolated cases of difficulty which may occur.

I am a native of New Hampshire, as you suppose. Thanking you for the good opinion you are pleased to express of me, and also for your long and interesting letter,

Believe me, yours, truly,

H. WILSON.

LIVINGSTON, ALABAMA, *November* 2, 1871.

Hon. CHARLES HAYS recalled, sworn, and examined.

[For Mr. Hays's previously given testimony see page 12.]

By Mr. BUCKLEY:

Question. Mr. Hays, state your residence, if you please.

Answer. Haysville, Greene County, Alabama.

Question. The object of the committee you are very well aware of. We desire you to state what connection you had, if any, with a convention which was called to meet at this place on the 13th day of August, 1870, and if, at your instigation, any colored men were induced to come here armed to that convention.

Answer. I can simply state that I received a letter from Major Herndon, who is the register in chancery here, to come over here and address a meeting that had been called at that time for the purpose of nominating delegates to the State convention. I replied to that letter, stating that I would try to come. However, I went to Demopolis in the meantime, and when I came back I heard that there was to be a meeting here; and when I got home my little daughter, was quite sick; that was Friday; the meeting was to be held, I think, on Saturday. I got home in the morning with the expectation of coming over here to meet Mr. Herndon, Judge Abrahams, and other members of the republican party; but my little child was so sick that my wife desired that I should not go; our family physician was absent, and she desired that, as it was only a county meeting to nominate delegates, I should not go. I did not hear or know anything at all in relation to the row or riot here, or the killing that occurred here, until after a colored man, who was my carriage-driver, and lived on my place at that time, whom I sent over here with a letter to Major Herndon, explaining to him the reasons why I could not come, returned home and reported that he saw a large number of armed men here.

Question. White men?

Answer. White men with their guns, and some negroes with guns, and others at the depot, and that they were making inquiries of him where I was. Some of those gentlemen were from Greene County, and knew me very well, and my neighbors inquired where I was as soon as he got off the train or got up there. They took him and put him into the road, and told him if he did not get home pretty quick they would put him up a limb; that is his report. The negro came back and stated these things to me. I was perfectly astonished, for I had had no idea that there would be anything here but a little county meeting. I had never heard of any negroes coming here with arms, and I trust and believe that there is not a man in Sumter County, nor in Greene County—and I am known to all of them—that would believe that I would advise negroes to come to this town and county, with arms in their hands, to hold any kind of a meeting.

Question. What has been your custom in addressing meetings in Greene County that were armed?

Answer. I will say that Colonel Jack Jolly was invited to address a democratic meeting at Boligee. Previous to his address, a democratic committee was appointed by the members of the Boligee Club to go to my house and invite me to meet Colonel Jolly in discussion. I told them I was in favor of free discussion, and wanted it all over the country, and would avail myself of the opportunity. I went to Boligee, and when I got there I saw some negroes—I suppose ten or a dozen, probably, with guns. I had been there about half an hour—this was just one mile and a half from where I live—I had been there about half an hour when there came some fifteen young men riding up, with double-barreled guns, and a few hounds following them. I saw this demonstration at once, and I came to the conclusion that it was gotten up for a row, and I stepped to the door of Mr. May's store and said: "Our purpose here is peace. I have come here for the purpose of making a speech—a peaceable speech; I do not pretend to make any other kind; I trust the democrats do not propose any other kind." I turned then to the negroes; I had nothing to say to the white men; I said to the negroes: "You have come here with guns in your hands, and you know that I have expressly

said to you that I would never speak to you on any occasion whatever when you brought any arms to a political meeting at any place, and I shall decline to have anything to do with this matter in any way whatever." Then I turned to the white men and said: "I hope, gentlemen, you will excuse me; I am going home;" and I got on my horse and rode off. Several of them came to me, among them Newton Smith and Mr. Johnson, my neighbors, and said, "Stay here; let us have speaking; we don't care anything about these negroes' guns or white men's guns."

Question. Were those white men who rode up on horseback with guns?

Answer. Yes, sir. Said I, "I don't propose to enter into any discussion before an armed mob of any kind—negroes, white men, or anybody else, and I shall go home." I did so. All this talk about negroes coming here armed was done, I am just as well convinced as I am of my own existence, for the purpose of breaking down what little influence I exerted in this district.

Question. It is in evidence here that the white people in this place and the adjoining county were fearful that this town would be sacked that day, and they based their fears upon intelligence they received of bodies of armed men coming from Gainesville and from towards Demopolis, and also of some armed men, about two hundred, I think, were specified, as coming from Greene County with arms; and that their coming in that way was instigated by yourself.

Answer. I have just stated, Mr. Buckley, that there is not a man in this county who knows me, or in Greene County, who would believe such a thing. Mr. Gid. Harris would not believe it, nor Mr. Jolly, nor any other man that knows me. They know I would not be guilty of such a thing. I positively deny anything of the kind. I only wanted to say this: this is a surmise of my own—not exactly that either, because I have had it intimated to me by democrats in the county of Greene; they knew that this was the largest republican district in Alabama, and that if the State went republican this district would have to carry it; they knew this black vote would carry the State for the republicans. Their purpose was to draw off forces from other districts and make a direct attack on this district, intimidate the negroes, and break me down in the canvass at the start. You will remember that I went over to see the executive committee of the State and told the chairman, General Healy, that I could not make a speech in this district during the canvass unless some aid was sent—Judge Rice, or Governor Smith, or somebody would aid; that it was utter folly to attempt to make speeches in these counties, Pickens, Sumpter, Greene, Fayette, Tuscaloosa, and Sanford. There was not a man, I did not believe, in the republican party in the State that could go to those places and make a speech. That was my conviction until I went over there. But I thought if Governor Smith came here and Governor Parsons, and other men of distinction in our party, that probably their speeches might be tolerated. They came here and made the attempt in this place and were insulted in every way possible.

Question. Were you present at that meeting?

Answer. I was not; I did not come over here.

Question. Did you make any canvass in this county?

Answer. No, sir. I did not make a speech in this county, because I could not do it.

Question. You felt unsafe to do it?

Answer. I knew I would be killed if I did it.

Question. Was that the case in other counties in your district?

Answer. I only judged from what happened at Eutaw. You know there was a riot there. It is of no use to go over that again. I do not think there is a man in the State who can make a republican speech in Pickens County; in Fayette, the same: in Sanford, I think, they could have made a republican speech.

Question. Do you think the colored people who came to this convention here had any design whatever to disturb the members of the community, or do any harm or violence?

Answer. I do not know anything about that; but judging of them by the negroes all over this country, you know they are naturally timid, and you could not get any body of negroes together armed to make an attack upon the white people of this country who had been their old masters. I have owned them myself, and I think I understand the negro somewhat. You could not get a negro—you could not get one of those old negroes to insult their former masters.

Question. You think if they brought arms they brought them for self-defense simply?

Answer. I presume so.

Question. Not for the purpose of making an attack upon anybody?

Answer. None, whatever.

By Mr. BLAIR:

Question. Mr. Hays, do you not know it to be the fact that the reports were sent here from various quarters that the negroes were coming into the town to this convention armed?

Answer. I do not know anything about it, General Blair.

Question. I do not mean about your knowing it at the time, but have you not heard that fact stated by men whose integrity you do not doubt?

Answer. I heard of this thing, that the negroes came here armed; that is all that I heard. I heard that it was reported in the neighborhood. I heard this from men, and from those telegrams that were reported to me by every one, that these negroes had been told to come here with arms, and the rumor had gone out that I had done it, but I am satisfied that the democratic party had put that out, just as well satisfied of it as that I am sitting here, for the purpose of breaking me down in the canvass, to excite the white people against me. I had carried this county by a very large majority. I had carried Pickens County, which had never gone republican before—and it was almost a white county—by 400 majority. They wanted to break me down in this canvass in order to defeat the State ticket. They wanted to begin that raid against me, right here, and defeat the State ticket.

Question. You say you were not here at the meeting when these gentlemen spoke?

Answer. No, sir; I did not come over.

Question. You know nothing that occurred at this meeting?

Answer. No, sir; only what I heard afterward.

Question. We have already had testimony in regard to it here, and it is not necessary for me to ask you.

Answer. I only want to state this in connection with that matter—I do not know that it is worth stating: that I understood from friends of mine here, from Major Herndon, Judge Abrahams, and other friends, that there was a regular mob down there to assassinate me the very moment I got off the train. I heard that afterward; that if I had come here I would have been killed instantly. If I had been, I would have been killed innocently.

LIVINGSTON, ALABAMA, *November* 2, 1871.

J. McKEE GOULD sworn and examined.

The CHAIRMAN. This witness having been called by the minority, General Blair will first examine him.

By Mr. BLAIR:

Question. Will you please state your residence and profession.

Answer. I reside in Greene County, Alabama. I am at present connected with the Alabama and Chattanooga Railroad as assistant superintendent and civil engineer. I also have a farm in Greene County. That is the reason I give my residence from Greene. I have been a farmer since the war. I have only very recently, since about three months, been connected with the road. Several years ago I was connected with the road; that was before the war.

Question. How long have you lived in the county?

Answer. Forty years. I was born in Greene County. I have been away a good deal during that time, but I have never had any other residence but that. I have always called that my home, and since the war have lived there entirely, except the last three months I have been connected with this railroad, and have been up and down the road all the time.

Question. What is the condition of the county of Greene, so far as regards the peace and tranquility of the county?

Answer. The condition is very good now, sir.

Question. Have there been any recent disturbances of any kind in the county?

Answer. No, sir; no recent disturbances.

Question. Do you know a colored man by the name of Ben. Leonard?

Answer. Yes, sir, I do.

Question. Was he arrested for murder in your county some time since?

Answer. He was last summer, sir.

Question. What was the charge against him?

Answer. Well, now, I speak rather too fast there. He was arrested; I think it was for firing into a house, though; I do not remember his being arrested for murder. He was suspected of having fired into a house: and he was arrested as being implicated in poisoning a man's wife.

Question. He was not arrested, however, for firing into the house, was he?

Answer. I am not positive whether he was or not. He was suspected of having fired into this man's house.

Question. What was the evidence, if any, upon which the arrest was made?

Answer. I do not know, sir.

Question. Do you know what was the result; was he tried?

Answer. No, sir, I do not think he was. He may have been tried before a magistrate, but I do not think he was ever tried before a circuit court.

Question. Do you remember the circumstances of his arrest?

Answer. I do not.

Question. You were not present?

Answer. No, sir; in fact, I was absent from my home at the time the arrest was made, or just afterwards, and was absent in Mississippi for a week or two.

Question. Did you ever hear that a colored man in your county by the name of Guilford Coleman was killed after night in his house?

Answer. Yes, sir.

Question. What were the circumstances?

Answer. I heard that a body of men called there and took him off, and that he never came back any more; and the supposition was that he was killed.

Question. Who were the men; did you ever hear?

Answer. No, sir; I never heard who they were.

Question. What is the character of this negro, Ben. Leonard?

Answer. It is not good, sir.

Question. In what respect is it bad?

Answer. Well, he has the reputation of being a turbulent character; one who is disposed to stir up strife, both among his own race and the white race; and the whole family have a bad reputation, as regards stealing.

Question. His brothers and himself?

Answer. His father and his brothers. They have quite a large family.

Question. Was it ever shown whether this woman, Fleming Cross's wife, was actually poisoned or not?

Answer. Not to my knowledge; I have merely heard that she was poisoned, without knowing on what authority, except I heard that the physicians were satisfied she was poisoned, and the whole family were.

Question. Were the rest of the family made sick at the same time?

Answer. Yes, sir; the family were all sick—the husband and the children.

Question. No one was ever convicted of the poisoning?

Answer. No, sir; not that I know of.

Question. Did you ever hear of his being arrested subsequently for carrying concealed weapons?

Answer. No, sir, I did not.

Question. Do you know anything of the killing of Sam. Caldwell, a negro, near Springfield?

Answer. I do not.

Question. Have you heard anything in reference to it?

Answer. Yes, sir. I was on the grand jury in my county—the next grand jury after he was killed—and heard a great deal of testimony in regard to it, but nothing that gave any clew as to who did kill him.

Question. Was there a considerable change of vote on the part of the colored people at the last election in your county?

Answer. Yes, sir.

Question. A great many of them voted the democratic ticket?

Answer. Yes, sir.

Question. Do you know under what influences they voted that ticket?

The WITNESS: What induced them to vote, or what they say induced them?

Mr. BLAIR. Yes.

Answer. I can only judge by what they say themselves.

Question. What did they say?

Answer. They said they had tried the other party long enough, and their condition had not been as much better as they anticipated, and they thought they would vote with the white men of the country, and see if they would not do better.

Question. Do you know of any intimidation having been employed against them to make them vote the democratic ticket?

Answer. I do not, sir.

Question. Did you ever hear that alleged by any person in the county—did you ever hear any man say he had been intimidated?

Answer. I never did, sir.

Question. Did you see a card published in the paper by this man, Ben. Leonard, recently—in the Whig?

Answer. No, sir; I do not remember seeing it. In the Whig and Observer, of Eutaw?

Question. Yes.

Answer. I do not remember seeing it. I take that paper, but, leading the life I have been for the last few months, I very often miss my paper. I do not remember any card from him.

Question. He stated in his evidence that he had published a card there recanting his

radicalism, saying he was no longer a radical; and he stated that he had done that under apprehensions.

Answer. I do not remember of having seen it; in fact, I know I never saw it.

Question. You never heard of it?

Answer. No, sir.

Question. Do you know Stephen Brown, who lives about ten miles from Eutaw?

Answer. In the neighborhood of Ben. Leonard?

Question. Yes.

Answer. Yes; I know a negro up there. This Ben. Leonard used to be called Ben. Brown. I knew a man named Stephen up there, and I suppose his surname is Brown.

Question. Is he a colored man?

Answer. Yes, sir. I know Stephen Brown, a white man.

Question. He speaks of a man named Stephen Brown, but does not say whether white or black.

Answer. I know a white man named Stephen Brown, who is a son of the former owner of this Ben. Leonard.

Question. Do you know of any instance of intimidation being employed to make the black people up there vote the democratic ticket?

Answer. I do not, sir.

Question. The condition of your county, you say, is quiet and peaceable?

Answer. Yes, sir; entirely so.

Question. Have there been any outrages of any kind inflicted upon colored men by armed men in disguise at night recently?

Answer. None that I know of, sir; none that I have heard of.

Question. How long a time has it been since you have heard of anything of this kind in your county?

Answer. Well, sir, the last instance I recollect of hearing that I can recall to mind now was the disappearance of this Guilford Coleman. I do not remember when that was. I think it was some time in the summer of 1870, though.

Question. Do you know what cause, if any, was assigned for the visit to him?

Answer. I do not, sir.

Question. Did any suspicion attach to any parties?

Answer. None that I know of.

Question. Do you know whether any inquiries have been made in regard to it—any attempt to discover and unravel the mystery of his killing?

Answer. I heard the case was investigated before the last grand jury.

Question. Were you on that jury, yourself?

Answer. No, sir; I was not.

Question. You did not hear with what result?

Answer. Yes; I heard that they had been entirely unsuccessful.

Question. Is there any other matter or thing, in connection with the condition of your county, and the execution of the law there, that you desire to state?

Answer. No, sir; nothing in regard to the execution of the law. There are a great many instances of lawlessness that seem to be cases that the law cannot reach. Every effort seems to be made to detect the guilty parties, but it is very seldom ever done. There is a great amount of stealing done there.

Question. Stealing of what?

Answer. Well, of corn in the field, cotton in the field, and hogs, sheep, goats, beeves, everything of that sort. Search-warrants are constantly being gotten out, but rarely with any result. We rarely ever find anything.

Question. Who is it supposed commits these offenses? Is there any public sentiment on that question?

Answer. Well, it is supposed to be the colored people, sir.

Question. Do you find it very difficult to raise and keep stock?

Answer. I find I cannot keep any stock except colts; they do not kill them; they kill my hogs, my sheep, and my beeves.

Question. Does there appear to be no remedy for it; no means of protecting stock against these thefts?

Answer. Well, sir, we have not been able to find any yet. We have sat up night after night, to find and catch the guilty parties that steal mine, but have never been able to do it. In fact, within the last two years, everybody keeps their stock up at night. The killing is mostly done in the day-time.

Question. When the stock runs out?

Answer. Yes, sir.

Question. Do other persons in the county find it as difficult as you do?

Answer. O, yes; there is hardly any stock left in the county. I say without any result; of course, I have known instances where the guilty parties were brought to justice. I recollect in one instance I found out who killed one of mine. I had the party tried, and he was convicted and punished for it, but it is very rarely we can detect them.

By the CHAIRMAN:

Question. You spoke of your residence in Greene County before and since the war; were you in the war?

Answer. Yes, sir.

Question. You were in the confederate army?

Answer. Yes, sir.

Question. What rank did you hold?

Answer. I went out as a lieutenant, and was afterwards a captain. I passed three years in the war as a captain.

Question. You have known the condition of affairs in Greene County pretty well since the close of the war, have you?

Answer. I have, sir.

Question. You say there have been no recent disturbances. Are we to infer from that that there have been no disturbances since the close of the war in your county?

Answer. There have been some.

Question. What is the character of those disturbances?

Answer. I hardly know how to describe them. The one I was thinking of when you made the remark was one on the 25th of October, 1870, in Eutaw, which was quite a disturbance.

Question. You refer to what is generally called the Eutaw riot, when certain political speakers were there?

Answer. Yes, sir.

Question. The committee are in possession of the facts of that case, so I shall not dwell upon that, as it has been given in evidence repeatedly. Is that the most serious disturbance you have known since the war?

Answer. Yes, sir; we had quite an excitement a few months before that. There was a store burned about twelve miles from Eutaw, and there were threats made that Eutaw was to be burned, and several other points in the county, by the blacks. The white people were very vigilant for four or five nights, guarding their property and themselves.

Question. Were any negroes whipped or killed for their supposed implication in the burning of the store, or the attack on Eutaw?

Answer. No, sir.

Question. No punishment inflicted upon any one?

Answer. Well, there were eleven of them in jail for some time for the burning of that store, and at the last court they were all discharged except two. They were tried before a magistrate's court and committed. Eleven, I think, was the number, but they were all discharged at the last court except two.

Question. Were they put upon their trial—the nine that were discharged?

Answer. No, sir; they were dismissed.

Question. Dismissed for want of evidence?

Answer. I suppose so.

Question. The remaining two have not been tried?

Answer. One of them is dead; he died in jail; the other has not been tried.

Question. Have you known any negro whipped in your county since the war?

Answer. I have not.

Question. Have you heard of any?

Answer. Yes, sir; I have heard of one that I recollect; may be more.

Question. What case is that?

Answer. The case I speak of is a man named Amos Blakely, as I think he calls himself.

Question. When was he whipped?

Answer. I do not remember how long ago it was; I suppose not over three months ago. I am satisfied that it is not over three months ago.

Question. Was he whipped at night?

Answer. I did not hear whether it was in the night or day time.

Question. Did you hear he was whipped by a number of men?

Answer. Yes, sir; the way I heard it was, a party of men went to his house and whipped him.

Question. Were they said to have been disguised?

Answer. I did not hear whether they were or not.

Question. What was his supposed offense?

Answer. The offense that everybody seemed to suppose was this: that a few days before that he had very maliciously attacked a white man, and called him a liar and struck him.

Question. Why did not the white man resent it; why did a party of men take it up and make it their business?

Answer. I do not know why the party did. The white man did resent it; struck him back and knocked him down; so I heard.

Question. How long afterward did you learn that this party went to his house and whipped him?

Answer. I do not know; it must have been a very short time, because I never heard of the difficulty between him and the white man until I heard he was whipped.

Question. Did you understand he was severely whipped?

Answer. I merely heard he was whipped by a party of men, and I took it for granted.

Question. You do not know whether they did do it or not, or whether these men were disguised?

Answer. I took it for granted they were disguised and that it was at night, from the fact of not hearing, or the party who told me of it not knowing, who they were, never having heard who they were.

Question. Is that the only instance that occurs to you of any negro being whipped by a party of men?

Answer. Yes, sir; that is the only instance I can recall now.

Question. Did you ever hear of Littleton Hood being whipped last fall?

Answer. No, sir.

Question. Of a party of men having gone to his house, and caught him while he was in bed and whipped him severely; about seven in the crowd?

Answer. I never heard of Littleton Hood.

Question. Do you know of any cases besides those you have mentioned where negroes have been killed by parties of men in disguise or otherwise?

Answer. Well, in regard to that Sam. Caldwell case, there were some men examined before that grand jury I speak of being on, as to negroes having been killed, but I have forgotten how many. I think there were three in that charged to have been killed or disappeared about the same time.

Question. About the same time Caldwell was killed?

Answer. Yes, sir; I am not certain, but I think there were three killed or missing.

Question. Was it supposed to have been committed by the same party that made this raid upon Caldwell?

Answer. That is what the grand jury could not find out. I do not remember the circumstances very well now.

Question. Were the other two colored men?

Answer. Yes, sir. I think two of them were in jail. These men these witnesses were examined in regard to were in jail for the killing of a man named Snoddy, and they disappeared, and it was charged that they had been taken out of jail and murdered; but in investigating the case, we could find no clew to anybody having entered the jail. It was very evident that they had disappeared from jail.

Question. Did you have the jailer before you?

Answer. Yes, sir.

Question. What account did he give of it?

Answer. He gave an account of his having seen signs, in fact discovered where one of the bars of the grate had been filed into, and that they had got out through that. His impression was that they had made their escape.

Question. Did you have any other evidence besides that of the jailer?

Answer. No, sir, none whatever; but a great many witnesses were examined; I suppose twenty in all.

Question. What impression did that examination make upon you—that those two men had escaped from jail, or had been taken out of jail?

Answer. My impression was that they had escaped and were not taken out.

Question. Are those the two men who escaped about the time Caldwell was killed?

Answer. I may have got the two cases confounded; but I think they were the two who disappeared about the time he was killed.

Question. You never heard at the time that they were taken out of jail and made away with?

Answer. Yes, sir; there were parties who came to the grand jury and stated that they had been taken out of jail and made away with, and referred us to witnesses who could state the fact. That was the reason we summoned so many witnesses to sustain that charge.

Question. But they did not sustain that charge?

Answer. No, sir; one would say he heard it from such a one, and he from such a one; and the more we traced it back the less evidence we got.

Answer. There was no evidence that any one had seen any body of men about the jail when they made their escape?

Answer. No, sir.

Question. Caldwell was himself both hung and shot, was he not?

Answer. Yes, sir; that was the testimony before the grand jury.

Question. Did you ever hear of the case of Henry Dew, a colored man, who was shot last spring in the left shoulder, said to have been shot while he was in his house, called out of his house; that a large body of disguised men were there, and he started to run and was fired upon but made his escape; but the ball entered his left shoulder? Did you ever hear of that case?

Answer. I do not remember of ever hearing of it at all.

Question. Are there any other cases of homicide that occur to you now upon reflection as having occurred in this county?

Answer. No, sir. There was a young man burned up in that store I told you of being burned. How far back now are you asking?

Question. I am reaching back to the close of the war.

Answer. There was a county solicitor, Mr. Boyd, was killed a year ago last April, I think.

Question. The committee are in possession of the evidence in that case, so that you need not dwell upon the particulars. A body of men entered his room in the day-time, did they not?

Answer. It was in the night—a body of disguised men; that was the testimony given before the grand jury. I suppose we examined three hundred witnesses in regard to that case.

Question. No one has ever been discovered yet as being concerned in it?

Answer. No, sir. They were traced from a certain bridge on the Sipsey River down toward the city and back to the bridge, but no one was ever discovered.

Question. What is your knowledge or information as to the existence of a body or organization of men in that county organized for the purpose of committing violence?

Answer. Nothing, except what I see in the newspapers and hear. I do not believe, myself, that there is any organization at all.

Question. Do you believe there ever has been one there?

Answer. No, sir; I do not think there ever has been.

Question. You never have seen any body of men disguised yourself?

Answer. No, sir. These men that killed Boyd evidently were disguised. That is an established fact.

Question. Some of these murders you refer to were committed by men in disguise, were they not?

Answer. I think that in the taking off of Guilford Coleman the party who took him off were said to have been disguised, although I am not positive about that. At any rate, the report was that he was taken off by the Ku-Klux, as they are called. They are generally associated with disguises.

Question. When did you first hear of men going about the country in disguise in Greene County?

Answer. The first I ever heard of was the day after Mr. Boyd was killed.

Question. That was in 1869 or 1870?

Answer. That was in 1870, I think, sir. That was the first time I ever heard of disguised men being in the county.

Question. How often since have you heard of the appearance of men in disguise in that county?

Answer. I heard of quite a large body of disguised men, who were variously estimated at from twenty-five to sixty-five, appearing at a place called Pleasant Ridge, about some time, I think, late in the spring or early in the summer of 1870.

Question. What was the occasion of their appearing there?

The WITNESS. You mean what was going on in that place at the time?

The CHAIRMAN. Yes.

Answer. There was a trial in the magistrate's court at the time.

Question. Did they appear in the court in the day-time?

Answer. In the day-time.

Question. Twenty-five to sixty-five?

Answer. Yes, sir.

Question. What did they do?

Answer. Nothing but ride through the place, and turn around and ride back through it.

Question. Was a trial in progress at the time?

Answer. I do not know whether it was or not.

Question. What kind of a trial was it that was on hand?

Answer. I do not know; I never heard.

Question. Did you ever hear what the purpose of their appearance was?

Answer. No, sir; I never did.

Question. Did you ever hear that they did anything?

Answer. No, sir.

Question. Did you hear where they came from?

Answer. No, sir; except they were seen in the outskirts of this little village, and then rode through and rode back again, and disappeared.

Question. Were they said to be armed?

Answer. If I am not mistaken, I asked that question of half a dozen parties, and never found out whether they were or not.

Question. Were their horses disguised?

Answer. Yes, sir; I think they were.

Question. You have heard the description of the disguises of the Ku-Klux Klan?

Answer. Yes, sir; I heard them very minutely described by the witnesses before the grand jury in regard to the Boyd case.

Question. How did the disguises of these men that appeared at Pleasant Ridge, as described to you, compare with the descriptions given by the witnesses before the grand jury?

Answer. I did not inquire into what the disguises of these Pleasant Ridge men were, I merely heard they were disguised, and their horses disguised; I did not inquire into the character of the disguises.

Question. The people who were your informants gave you, I suppose, their opinions of what the object of this body of men was.

Answer. No, sir; they did not give me their opinions of the objects, but seemed to wonder what the object was, as they did nothing and said nothing.

Question. Was this a trial that arrested much attention that was in progress at the time?

Answer. No, sir.

Question. Was it supposed that that trial had any connection with their appearance?

Answer. No, sir; not that I know of.

Question. Have you heard of any acts of lawlessness or intimidation that followed their appearance?

Answer. No, sir.

Question. Neither that day nor the night following, nor at any future time?

Answer. No, sir.

Question. Where was it conjectured that this body of men came from?

Answer. I never heard any conjectures as to where they did come from. The wonder was where they came from, and where they went to.

Question. Was it so difficult in the day-time to ascertain the fact where these men came from?

Answer. I should not think so; it seemed to me it would have been very easy to have followed them and seen where they went to.

Question. Did it excite much talk at the time?

Answer. No, sir; not much.

Question. Was it not a very unusual circumstance in a peaceable community that so large a body of men should appear in disguise, and armed, and with their horses disguised so they could not be recognized?

Answer. Yes, sir; it was unusual.

Question. Did it create a good deal of talk and speculation?

Answer. No, sir; not much where I lived, which was twenty-five miles off; by the time anything of that sort travels that far, through a dozen-odd mouths, it gets exaggerated; but still I did not hear very much talk about it.

Question. Have not the people got rather used to the fact of bodies of men appearing in disguise, so that it had become rather a matter of course?

Answer. No, sir; I think not; I do not; I never saw any body of men in disguise.

Question. You have heard it said that this Ku-Klux organization was formed for political purposes, have you not?

Answer. I never heard it said what it was formed for.

Question. Have you never read any speculations in the newspapers?

Answer. I have read in the newspapers that it was formed for several things.

Question. What were the purposes for which the newspapers said the organization was formed?

Answer. The newspapers seemed to convey the idea that it was formed to put down lawlessness and prevent thieving.

Question. Lawlessness? I understood you to say your community was generally in a peaceable and orderly condition, and the laws observed?

Answer. It is, as far as I am aware.

Question. Then no organization of this kind was necessary to preserve the peace?

Answer. No, sir; not at all; but I was stating the idea I had gained from reading the newspapers. There certainly has been no necessity for any organization of that sort in our neighborhood, to execute the law, if we could find out whom to execute the laws on; the trouble is to catch the offenders.

Question. Have you heard it said that this organization embraces a large number of men who are either parties to it or sympathize with its object?

Answer. No, sir; I never did.

Question. Have you no opinion of your own as to who compose this organization; whether they are reckless, lawless men, or whether they are good, substantial citizens, organized for purposes of protecting the community?

Answer. Put that question again.

Question. Have you no opinion of your own, whether these bodies of disguised men that have appeared from time to time are composed of reckless, lawless young men,

or are composed of law-abiding citizens, who band themselves together for the purpose of protecting society?

Answer. My impression is, from what I have heard and read of their doings, that they are composed of lawless and reckless men.

Question. What doings do you refer to; what have you heard of their doings?

Answer. I have heard of their killing Mr. Boyd, and taking Guilford Coleman off, and their turning out at Pleasant Ridge. I hardly pick up a newspaper that I do not see some note of what they do. For instance, there was a case in this town several years ago, and I merely take it from the character of their acts that they are lawless men, and not the most substantial men in the country.

Question. Do you think the lawless, abandoned men would band themselves together to protect society against crimes?

Answer. No, sir; I would not think so; but that is what the newspapers seem to think; it is not my opinion at all. I do not think that is the way to do myself.

Question. It is against all reason to suppose that lawless men would band themselves together to maintain law and order?

Answer. I think so.

Question. Would it not result, then, that this band probably embraces good, substantial men?

Answer. Probably they may; I do not know.

Question. How far does Ben. Leonard live from you?

Answer. I do not know where he is living this year. He formerly lived about six miles from me.

Question. How long have you known him?

Answer. About fifteen years, I think.

Question. Does he sustain a fair average character among the negroes?

Answer. No, sir; he is considered a dangerous character. He has the reputation of being disposed to stir up trouble.

Question. Did you ever know him to do that yourself?

Answer. No, sir.

Question. You do not know, of your own knowledge, that he ever fired into a house?

Answer. I do not; if I did, of course I would have reported it, and he would have been, I hope, convicted for it before a court. He had a bad reputation for honesty and truthfulness.

Question. There are a good many negroes have a bad reputation for honesty?

Answer. A great many.

Question. You would not say that any colored man who was suspected of stealing had a good character, would you?

Answer. No, sir; I might say he had a good character, with that one exception.

Question. In your answer to General Blair you stated that there were a great many instances of lawlessness that could not be detected; that every effort to discover them had proved unavailing. Did you refer in your statement to homicides and whippings?

Answer. No, sir; I meant in regard to stealing property.

Question. Has any white man ever been prosecuted and convicted for being implicated in any of these outrages upon colored people—whippings or murders?

Answer. Not that I know of, sir.

Question. So that the law is virtually paralyzed by reason of the fact that these outrages are committed by men in disguise at night, and by reason of the secrecy of their movements; is that so?

Answer. Well, so far as those few cases are concerned, it is.

Question. Take the Eutaw riot; take the murder of Boyd, too; the law has been completely frustrated there in all efforts to bring these men to justice, has it not?

Answer. There are parties now under trial who have to appear in Mobile next December, who are charged with having violated the law in that Eutaw riot.

Question. No person has been punished as yet?

Answer. No, sir; because there has been no case tried yet; but I think there are eighteen or nineteen indictments.

Question. Has any person ever been brought to justice yet for the murder of Boyd?

Answer. No, sir.

Question. No person has ever been discovered as implicated in that?

Answer. No, sir.

Question. No person has ever been indicted even?

Answer. No, sir.

Question. No person has been punished for the whipping of Amos Blakely, has there?

Answer. No, sir; there has been no time for that, because there has been no court in session till last Monday in Eutaw.

By Mr. BUCKLEY:

Question. I understood you to say that a good deal of stock has been stolen in Greene County, and no one has been punished?

Answer. I do not say no one, but we rarely get them.
Question. Where is the difficulty?
Answer. The difficulty is in finding out who killed the stock.
Question. Your courts would punish the offenders if they were found?
Answer. Yes, sir.
Question. There is no trouble in that?
Answer. None whatever, sir; I suppose, from the few instances where they have been detected, where the testimony has been sufficient, they have always been punished.

LIVINGSTON, ALABAMA, *November* 3, 1871.

CHARLES POWELL (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?
Answer. At Lee's Station.
Question. In what county?
Answer. Sumter.
Question. How long have you lived in Sumter County?
Answer. About twelve years.
Question. State what act of violence has been committed upon you by a body of men disguised.
Answer. Well, sir, there was a body of men, the 28th day of this last August past, twelve months ago, I came to this place upon some business—a little trading. They took me out there, and brought me down here about a mile, and whipped me badly. There was nothing I had done; and they put a rope around my neck to hang me, but they didn't do it; and they discharged me, and told me to go on home and behave myself. I started on home, and they all left me; and after I got about half a mile from the place where they had punished me, there come one man by himself and hailed me to stop. I pulled off my hat to him, and told him, "This is the way you told me to go on home and behave myself;" and, by the time the word was out of my mouth, a pistol was fired and shot me, and I fell as though I was dead, and knew nothing of it: and a white man with me, by the name of Mr. Clark, was shot at the same time. I remember falling to the ground myself, senseless; and, before I lost my senses, I remember of his falling. That is all I know about it.

By Mr. BLAIR:

Question. You remember what?
Answer. Before I fell myself I remember of his falling.

By the CHAIRMAN:

Question. Was it in the day or night that you were taken from this place by this body of men?
Answer. About 3 o'clock in the afternoon.
Question. How many men took you?
Answer. I didn't count them, but it appeared to be between seven or eight.
Question. Had they disguises on?
Answer. Not at all, sir.
Question. You were in Livingston that day?
Answer. Yes, sir; right here in this town.
Question. What did they say they were punishing you for?
Answer. They said they were punishing me because I was a democrat.
Question. A democrat?
Answer. Yes, sir.
Question. Or a republican?
Answer. They said democrat.
Question. Where did they take you to?
Answer. They took me out here about half a mile in the woods
Question. Do you know who any of the men were?
Answer. No, sir; I didn't know any one of them.
Question. Were you a stranger in the place?
Answer. Me?
Question. Yes.
Answer. Yes, sir; I was a stranger in the place; I had no familiar acquaintance with the people here. I have preached here a time or two; but I was not familiarly acquainted with the people.
Question. Were you a preacher?

Answer. Yes, sir: a preacher belonging to the Baptist Church for twenty-five y I have been preaching.

By Mr. RICE:

Question. Were these colored or white men?

Answer. They were white men. I came from Nansemond County, Virginia, in 1852.

By the CHAIRMAN:

Question. You say they put a rope around your neck?

Answer. Yes, sir, to hang me; but one gentleman objected to it; it looked like they would have done it, but he spoke and said I was a good negro and shouldn't be hung.

Question. What did they do after they put the rope around your neck?

Answer. After that gentleman said I shouldn't be hung, they took the rope off my neck and whipped me.

Question. Did they take your clothes off?

Answer. Yes, sir; I was naked; I hadn't a thing on me but my shirt; they took my breeches off.

Question. How many blows did they inflict?

Answer. I couldn't tell; it was like there was many a one.

Question. What were you whipped with?

Answer. First one whip and then another; one man kept a cutting and they kept whipping.

Question. With straps or whips?

Answer. No, sir; with whips; some small and some larger size—big as your finger and larger; it was right in the woods where the whipping was.

Question. Did they say anything to you at the whipping?

Answer. Nothing, except to whip on.

Question. Did you vote the democratic ticket?

Answer. No, sir; they told me as long as I was a preacher I need not be bothered with voting on one side; that I was exempted.

Question. Had you voted the radical ticket?

Answer. I had once at this place, and after they told me there was no need of my voting, I didn't vote neither side. I voted the radical ticket here at this place, at this door here.

Question. Who told you you need not vote any more after you had voted the radical ticket?

Answer. I don't know; it was just sounded about among the church members that I was a preacher and had no business to be voting.

Question. Did any of the white people tell you you had no business to be voting?

Answer. No, sir; they were colored people. The white people didn't tell me that.

Question. Was this man who shot you afterward one of the crowd of seven that took you out?

Answer. Yes, sir; he was one of the men surely. I knew him; I know he was one of the men.

Question. Where did he hit you?

Answer. Right in the neck. Here is the ball, the proof of it, for anybody to see. [Witness produces a small Minie ball.] It struck my neck.

Question. What did he shoot you with?

Answer. With a pistol; it struck the back of my neck, the center, and the doctor cut it out here at the side. The doctor said if it had went a little further, to a vein, I would have been a dead man in five minutes.

Question. Who was this white man, this Mr. Clark, who was shot at the same time?

Answer. He was a school-teacher that boarded at my house. He said he came from England. I don't know anything more of him than he was Mr. George Clark, a mighty fine, nice gentleman, and a well-educated man.

Question. You say he boarded at your house?

Answer. Yes, sir; he boarded at my house; my wife waited on him; he taught school there—a colored school.

Question. What has become of Clark?

Answer. Well, sir, I heard he was in Selma; whether it is so or not I can't tell.

Question. Did he leave soon after that?

Answer. Yes, sir; he left.

Question. Was he present at the time you were whipped?

Answer. Yes, sir; right there; they were whipping us both.

Question. Was he whipped also?

Answer. Whipped also, and shot also.

Question. What did they say they were whipping him for?

Answer. They said they whipped him because he was a Yankee.

Question. Did they say anything about his teaching a colored school when they were whipping him?

Answer. Not then they didn't. They told him here, right before this gate here, that there was a way for him to live without his teaching a negro school. At the time of the whipping I didn't hear them, but they told him that here.

Question. The told him that in town, before they took him and you out in these woods?

Answer. Yes, sir; right out there, at that gate.

Question. Did you go to a justice of the peace, or the county solicitor, or intendant at the town, and tell them of your abuse?

Answer. Not one, sir; I couldn't go to nobody; the doctors came to me; I couldn't go nowhere; I laid down and expected to die.

Question. How long were you laid up with your wound?

Answer. I reckon it was about three weeks, as near as I can come at it.

Question. After you got well, did you take any measures to obtain redress?

Answer. Not a thing.

Question. Why not?

Answer. I was afraid.

Question. What were you afraid of?

Answer. I was afraid, may be, the men might get hold of it that I was trying to make an inquiry, and I was afraid they might do me worse than they did before; that was all I was afraid of.

Question. Did the grand jury, or any of the authorities of the law, take any measures to punish these men?

Answer. When it was done I never knew a thing said about it, not a thing, no more that if it had been a snake shot.

Question. Nobody has been punished?

Answer. No, sir; not in my knowing; I never heard anything talked about it.

Question. Were you ever interfered with before or since?

Answer. Never before, nor since.

Question. Do you know any other colored men who have been whipped, or shot, or killed in this county?

Answer. Yes, sir; I heard of some being, but not to my knowing; I have heard of others being whipped and shot.

Question. Whom have you heard of being whipped?

Answer. I heard of a man being shot by the name of Peter Stewart.

Question. Was Peter Stewart a colored man?

Answer. He was a colored man.

Question. When was he shot?

Answer. I reckon it was a year ago, nearly.

Question. Where was that?

Answer. It was done up here close to where I live.

Question. Where is that?

Answer. On the railroad, in the beat of Coatopa—about a mile from Coatopa Station.

Question. Was he shot in the day-time or night?

Answer. I think that was done in the morning.

Question. By whom?

Answer. I don't know who by.

Question. Was he hurt much?

Answer. He died.

Question. Died of the shot?

Answer. I heard he died. I never went to see him.

Question. Did you understand what he was shot for?

Answer. No, sir; I did not know what he was shot for.

Question. Did you understand that more than one man was concerned in shooting him?

Answer. No, sir; I never did.

Question. Was anybody ever taken up for it?

Answer. Not as I know of, sir.

Question. Have you heard of any other colored men being shot or whipped?

Answer. Yes, sir; I have heard away off—away in Choctaw, but I don't know who. I have heard so much of it. I never have paid no attention to who. It was just the sound.

Question. You have heard of a great many being shot?

Answer. Yes, sir; I have heard of a great many—just the sound—but all I was trying to do was to keep clear myself. I was afraid to talk any. I heard of many.

Question. Have you heard of many being whipped?

Answer. Yes, sir; I have heard of many—so many I couldn't tell—so many that I didn't pay attention to it. I was trying to take care of myself—trying to be as still as I possibly could.

Question. What do you know of colored men being prevented from voting according to their sentiments?

Answer. I don't know anything at all about that.

Question. Have you heard anything on that subject?

Answer. I have heard them say they were afraid to vote for fear they might have to leave home. I have heard them talking that, one to another—afraid to vote for fear they would be deprived of a home. I don't know whether it is so or not. I have heard them talk that.

Question. Have you heard many express themselves that way?

Answer. Yes, sir; I have heard of several in my neighborhood; but I never get out of my neighborhood. Since I have been shot I never get to a neighbor's house, neither white nor black. I go to my corn-field and my church, and after I get home Monday morning I go to work, and don't go nowhere. In the country I came from I was glad to visit and go among white people, in Nansemond County, Virginia, but here we find different people, and I have to act in a different way from what I did there.

Question. Do you hear much said among the colored people about emigrating to some new country, where they can have peace and quiet?

Answer. I have heard right smart of it.

Question. Is there a general feeling of insecurity among the colored people here?

Answer. Well, sir, right in my beat there is.

By Mr. RICE:

Question. What doctor attended on you when you were shot?

Answer. Dr. Estell.

Question. Where was Dr. Estell living?

Answer. He is living in about a mile and a half of Coatopa.

Question. Does he live there now?

Answer. Yes, sir; but Dr. Edmonds and Dr. Seal are the ones that took this ball out.

Question. Where do they live?

Answer. They live at Brewersville—both Dr. Edmonds and Dr. Seal. Dr. Estell charged me ten dollars for looking at the place and telling my wife to wash it; and these others took it out and charged me one-half. He charged me ten dollars for having the place washed.

Question. Where was Clark shot; where did they hit him?

Answer. They struck him in the side here. It looked like it might have killed him, but the horn of my saddle and the carpet-bag—the carpet-bag iron where the key goes in—was mashed all to pieces, and it went out and just scarred his side; but he told me he didn't fall from the hurt, but fell for fear they might shoot him next time. He was not hurt much, like I was. If that ball hadn't struck that iron where the key unlocks the iron, it would have cut his heart or liver out of him.

Question. Where were you taken to after you were shot first; where did you go to?

Answer. We laid in the woods that night. Where we were shot was not more than a mile and a half from here. That left us about ten miles from home; and then we went home to Lee's Station. We staid in the woods that night, and next morning about 9 o'clock we got home.

By Mr. BUCKLEY:

Question. Have you ever been compelled to sleep out of doors at night?

Answer. Yes; I slept out-doors all the time after I was shot.

Question. For how long?

Answer. I reckon for about two weeks; not every day, but just a night or two at a time I would be out; I don't know how many nights; and then I was living under fears of being attacked again. To tell the truth, I am not over it yet, but still all the whites and blacks speak in my behalf, and say I don't mean any harm to nobody. I bear that name in the whole neighborhood; but still I cannot rest satisfied, because I know how this ball felt in my neck.

Question. You still feel afraid at nights?

Answer. A little doubt still seems to arise; I can't help it to save my life; it will come up sometimes.

Question. Did they ever whip Mr. Clark at any other time?

Answer. No, sir; never.

Question. They drove him off and broke up his school here?

Answer. Yes, sir; they broke up his school; not here, but at Lee's Station.

Question. Was he afraid to remain longer?

Answer. Yes, sir; and I think it was best.

Question. You think his life would not have been safe if he had remained there?

Answer. O, he couldn't have lived there. He was begged by white and black to leave there, and he left. A finer-looking man in every direction and qualities I reckon I never looked upon.

By Mr. RICE:

Question. Was he liked by the colored people?

Answer. Yes, sir; by the whites, too. He was an educated man and a gentleman.

By Mr. BUCKLEY:

Question. He was an Englishman, was he?

Answer. Yes, sir. I know he was an Englishman by his discourse. He knew all about England.

Question. Where did he go from here—to Perry County, over about Marion?

Answer. Yes, sir; right to Marion, and taught there; and from there, I think they say he went over to Selma.

Question. Did you say his name was George Clark?

Answer. Yes, sir; George Clark; a man about your complexion, but, may be, two or three inches higher; a nice-favored man, as sure as you are born.

By Mr. BLAIR:

Question. You say you lived at Lee's Station?

Answer. Lee's Station; yes, sir.

Question. You did not know any of the men, you say, who attacked you?

Answer. No, sir; I didn't know any one of them.

Question. Did you ever see them before?

Answer. Never have seen them before.

Question. Nor since?

Answer. Nor since, that I know.

Question. They were not disguised?

Answer. No, sir; they were not.

Question. I understood you to say that after the whipping only one of them followed you?

Answer. Just but one.

Question. He shot both of you?

Answer. He shot both of us.

Question. Did this George Clark keep the colored school at Coatopa Station?

Answer. No, sir; at Lee's Station.

Question. He lived near Coatopa?

Answer. About three miles from Coatopa.

Question. Were the men who spoke to him here at the court-house and told him he could live without keeping a colored school the same men who followed you?

Answer. Yes, sir.

Question. Did you hear it?

Answer. Yes, sir; I was standing as near to him as I am to you now.

Question. Were any white men standing around at the time that you knew?

Answer. No, sir; not at the time. Those men that were standing around were the men who whipped us.

Question. Which direction did they take after they whipped you; did they come back to town?

Answer. They came right back. I could not tell whether it was toward town or not. The public road runs in that direction, and they took to the left, in the woods; they came out of the woods; which part of the road they went I couldn't tell, whether they went this way or the other way.

Question. They said they whipped you because you were a democrat?

Answer. Yes, sir; because I was a democrat.

Question. Do you know whether this matter was ever reported to the grand jury or to the officers of the law?

Answer. Do I?

Question. Yes.

Answer. No, sir; it was not done in my knowing. I didn't know anything at all about it; nothing was said about it.

Question. Nothing?

Answer. Not a word; nothing more than if a snake had been shot; not a word. All I could hear they were sorry Charles Powell met with that misfortune. The white and black came to me and said they were sorry. These doctors said they were so sorry they would take out that ball and charge me nothing—Dr. Edmonds and Dr. Seal. Dr. Seal is a dentist doctor at Brewersville.

Question. Is Brewersville in this county?

Answer. Yes, sir; Brewersville is right in Sumter County.

Question. Did you tell anybody about it at the time? Did you tell how it occurred?

Answer. O, yes, sir; I was asked about it by many. I told them exactly how it happened.

Question. Whom did you tell about it?

Answer. Colonel Lee, the man I worked his land; he was the first one I told. I have told so many and there have been so many to see me, it would be tedious to tell them. I told everybody around the whole neighborhood when they talked about it.

Question. Did they advise you to take steps to have the men prosecuted?

Answer. No, sir; they did not. They advised me not to seek in it at all, and just to let it alone. They said if I seeked in it it might be worse, and I felt so. I didn't know the men, and I just let it all be.

LIVINGSTON, ALABAMA, *November* 3, 1871.

Hon. E. WOOLSEY PECK sworn and examined.

By the CHAIRMAN:

Question. You may state your name and place of residence, Judge Peck.

Answer. My name is E. Woolsey Peck; I reside in the city of Tuscaloosa.

Question. How long have you lived in the State of Alabama?

Answer. It is now going on forty-eight years; it is forty-eight years this fall.

Question. How long have you lived in Tuscaloosa?

Answer. I removed from Jefferson County, where I first settled, and remained a little over nine years; I removed to Tuscaloosa in December, 1833, from Elyton, in Jefferson, the county immediately above Tuscaloosa.

Question. Have you lived there ever since?

Answer. Ever since.

Question. What official position do you hold at this time in this State?

Answer. I am the chief justice of the supreme court.

Question. How long have you held that office?

Answer. Well, sir, I was elected immediately after the State convention adjourned, in January, I think. I do not remember exactly what time the election came, but it was under the new constitution. I was sworn into office in July—two years ago this past July.

Question. What judicial position did you hold before the war?

Answer. I was chancellor for a short time in this State, in 1839 or '40—perhaps part of both of those years. I received an executive appointment to that office by Governor Bagby when he was governor of the State.

Question. What was your position and course during the civil war?

Answer. I was, sir, a Union man. I was opposed to secession, and always have been since, as I was before.

Question. What consequences followed the position you took and held during the war as a Union man?

Answer. Personally, to myself?

Question. Yes, sir.

Answer. Well, sir, I never suffered any personal violence. I was hung in effigy, and was informed that efforts were being made to hang me in fact. I suffered many indignities in one way or another, and was informed that perhaps it would be prudent for me to leave the country, which I declined to do.

Question. What has been your position since the war in relation to the policy pursued by Congress for restoring civil government to the State?

Answer. Well, sir, I was elected, in my absence from home, to the first convention that was held under President Johnson. I was, however, in New York in August, and was taken sick with the cholera there, and did not return until about the 1st of November. That convention sat in the fall, before I was able to come home; and consequently I never was in that convention.

By Mr. BUCKLEY:

Question. That was in the year 1865?

Answer. That was the convention in the fall of 1865. I was elected again, in my absence from home, to the convention which sat in 1867, and I was elected the president of that body.

By the CHAIRMAN:

Question. Since the war, have you or your family been ignored or slighted because of your views and position relative to the policy of Congress?

Answer. In many respects we have—many respects. The feeling toward me—the friendship that I thought I enjoyed before—I discovered was greatly lessened, and some of the men that I esteemed my personal friends before declined to have social intercourse with me.

Question. What are the present feelings toward the Government of the United States of those who voluntarily went into the rebellion?

Answer. In my opinion they are very little, if at all, softened. I think they remain as bitter as they ever were; that is my opinion of a very large proportion of them; indeed, I do not know particularly of any exceptions.

Question. Would any policy Congress might adopt, in your judgment, cause this class of persons to respect or love the Government?

Answer. Well, sir, I do not know of any policy Congress could pursue that would create a respect for the Government of the United States. Whether they could pursue any policy that would, I do not know; but I am not able to conceive of any now.

Question. Did not the men of intelligence, who voluntarily embarked in the rebellion, expect, after it was suppressed, confiscation of their property and punishment to be inflicted upon the leaders?

Answer. They did, to the best of my information and belief.

Question. Had they, at the time, any thought or hope that they would be restored to their former rights of participating in the affairs of the Government?

Answer. As to what they thought upon that subject, my opinion, from my intercourse and my information, is that they would have believed themselves very leniently treated if they could have been assured that they would not have their property confiscated and their lives perhaps taken. I think they would have been willing to have relinquished their future political privileges; that is my opinion.

Question. When did they first come to feel that they had not forfeited any rights, and were a much injured people in not being allowed to vote and hold office as before?

Answer. Well, sir, I discovered, immediately after President Johnson said that the southern people must be trusted, that their course and conduct entirely changed. It seemed to me that they then discovered that there was a door open by which they could again acquire power; and they immediately changed their feelings, their conversation, and their course of conduct.

Question. Is it, in your judgment, their present sentiment that they committed no crime in rebelling against the Government, and forfeited no rights as citizens?

Answer. If I form my judgment from what I hear and know, that is their opinion now.

Question. Judge Peck, the committee are charged with inquiring into the condition of the late insurrectionary States, so far as regards the execution of the laws and the safety of the lives and property of the citizens of the United States. The committee will be glad to have the benefit of any information you can give them upon this general subject, before going into details.

Answer. Well, my opinion is, from observation and other means of information, that the criminal laws of the country, especially in relation to many crimes and that class of people who engaged in the late rebellion, have not been executed; and, in my opinion, they cannot be, with the present sentiments and feelings of the people—that offenses committed cannot be punished by courts and juries; that is, I speak now of particular classes of offenses. The ordinary offenses, such as are usually committed in communities, perhaps may be, but not even those with a certain class of people.

Question. What class of offenses do you refer to as not susceptible of being redressed by the ordinary instrumentalities of the courts?

Answer. I mean by that, sir, these violences which have been committed upon the people by those who are the most violent in their feelings and prejudices against the Government, such as murders, whippings, threatenings, and ostracism in business and social intercourse—these last, of course, are not punishable crimes, but I mention them; I mean particularly violence committed upon persons who are friendly to the Constitution, laws, and peace of the United States.

Question. What information have you upon the subject of the existence of a secret organization in different parts of the State of Alabama, commonly known as the Ku-Klux organization, and the objects of that organization?

Answer. Well, sir, my means of information is the current history of the country, what I hear and what I see in the newspapers. I have never, to my knowledge, seen one of these persons in their disguise, nor have I ever been myself, personally, a witness to any outrage, though I have knowledge, in the way I speak of, of a good many in the county in which I live. Outside of the county I only know from what I have heard, and the public press. There have been a good many outrages committed in Tuscaloosa. The first that I remember of now was the killing of a Mr. Crossland, who was a member of the legislature—the first legislature that was elected after the reconstruction of the State. He was shot some ten or twelve miles from Tuscaloosa, as I was informed, on the way to Montgomery to the legislature, when he and a member of the legislature from Pickens County, and a young man with them, were making their way to Tuscaloosa to take the public conveyance. The young man was along with them for the purpose, as I understood, of taking their horses back from Tuscaloosa. They were waylaid and fired upon, and Mr. Crossland was hit, and so was the young man. The other member, from Pickens, escaped by the fleetness of his horse, as I understood. Mr. Crossland lived, perhaps—I do not know how long—a day or two, or, perhaps, not twenty-four hours. The young man was thought for a long time to be mortally wounded, but finally recovered, as I understood.

Question. Were the perpetrators of this outrage ever discovered?

Answer. I understood that the young man, or boy, who, I suppose, was some sixteen

or seventeen years old, said that he knew some of them, but no proceedings were ever instituted against them that I heard of.

Question. How many men were supposed to be concerned in this assassination?

Answer. I am not able to say. There was quite a number, I understood; quite a number of guns were fired, as I have been informed.

Question. Were they said to have been disguised?

Answer. I do not know whether they were disguised or not; it took place in the day-time. My impression is that they were secreted in some bushes at the side of the road. Whether they were disguised or not, I do not know that I ever heard.

Question. How long since did this occur, judge?

Answer. Well, sir, I think they were on their way to the second session, or called session, of the legislature.

Question. That would have been in 1868 or 1869?

Mr. BUCKLEY. November, 1868.

Answer. It must have been in 1868. The convention was held in 1867, and the constitution was adopted by Congress, I think, in July afterward, and the legislature was elected. I am inclined to think that he was going to the second session, or, perhaps, to the first session after it had taken a recess; I do not remember about that. I am satisfied, though, that he was not on his way for the first time; he had been home.

By the CHAIRMAN:

Question. You may state any other instances, which occurred in your county, of assassinations, whippings, jail deliveries, and the like.

Answer. Well, sir, I shall not be able, I suppose, to mention near all. I can mention such as occur to me at present.

Question. Speaking generally, how many murders are you of opinion have been committed in Tuscaloosa County since the close of the war?

Answer. Well, sir, I reckon if I should say fifty, or more than that, I should fall below the mark, though I do not know; I have no data from which I can speak with any accuracy upon that subject. Now I do not remember how long it was after Mr. Crossland was killed when, while I was in Illinois during the summer, I received a letter from my daughter informing me that a raid had been made on Tuscaloosa, and that quite a number had been killed, and one of the Ku-Klux was also shot and killed in that raid. There was quite a number, I do not know how many, killed; I do not remember. One was killed while he was clinging to the clothes of, I think, his old mistress.

Question. Were the persons killed, with the exception of the Ku-Klux, negroes?

Answer. Yes, sir; I think they were all black people. After that there was——

Question. Pause right here, and give the committee such information as you obtained from the communication of your daughter, and after your return home, of the particulars of this affair—how it originated and how many were killed.

Answer. Well, sir, I do not remember sufficiently about her letter particularly, except that she gave me the information that this raid had been made upon the town, and that the number of persons she mentioned, I think some dozen or more, were killed, though I think, perhaps, that was somewhat larger than it was afterward ascertained to be; I do not think there was a dozen killed; I do not know how many; it was, perhaps, less than that.

Question. What was the cause of the raid?

Answer. Well, sir, I do not know that I can tell with any sort of accuracy about that. I understood it was to whip or kill some negro man, against whom prejudices existed there, but from what cause I am not able to say.

Question. Was the raid in the night or day-time?

Answer. I have always understood it was in the day-time; I am satisfied it was in the day-time.

Question. One of the assailants was killed?

Answer. Yes, sir; a young man by the name of Finley.

Question. Were the men said to be disguised?

Answer. Yes, sir; that is what I have always understood.

Question. Has the affair ever been investigated and any one punished for this raid?

Answer. No one has ever been punished. Whether there was ever any investigation before the grand jury upon the subject I am not able to say. I would not know that if there had been.

Question. To your knowledge, has any one ever been arrested for the offense.

Answer. There never has, that I have heard.

Question. How large is the population of Tuscaloosa?

Answer. I suppose it has somewhere like 3,000, incuding the surroundings. It may be a little over or a little under that; I cannot tell?

Question. How soon did you return to your home after this affair happened?

Answer. Well, sir; I think I came back early in the fall. That was in the summer—what particular month, I do not remember now.

Question. The summer of what year—1868 or 1869?

Answer. I think it must have been in 1869.

Question. You may proceed with the narrative you were about to give when I interrupted you.

Answer. I shall not be able to mention, perhaps, the incidents in their chronological order. I will try to mention such as I remember. My impression is that some one of the colored men, at the time of that raid, was arrested and was put in jail; for what particular cause I am not able to say. He was taken out of jail and shot in front of the jail, as I understand, shortly afterward——

Question. Pause one moment at this point. Was this in the night-time—this rescue?

Answer. Yes, sir; I think he was taken out in the night-time.

Question. Is it your information that he was taken out by a body of men in disguise and shot?

Answer. Yes, sir; that is my information—my understanding.

Question. You do not remember the imputed offense for which he was arrested and put in jail?

Answer. No, sir; I do not remember. I have heard it said that he was put there, as much as anything, for his safety. Whether he was charged with any crime or not I am unable to say.

Question. Has any person ever been brought to punishment for his murder?

Answer. No, sir; not that I know of. I do not think anybody was ever arrested or any steps taken for that purpose, to my knowledge.

Question. You may proceed with the next case.

Answer. Well, sir, after that, how long I am unable to say, there was a colored man that belonged before manumission to Mrs. Gould, a widow lady, that lives in Tuscaloosa. He was shot on Sunday, I understood, at a little precinct some ten, twelve, or fifteen miles southwest from Tuscaloosa. As I have always understood, there were some three or four or more men came across him. He was walking with his wife or some other woman, a black woman, along the road. They came across him and remarked that they had found him, or something to that effect, and shot him.

Question. Was he killed?

Answer. Yes, sir. There was a negro man who was hung down below Tuscaloosa afterwards, I have understood. I think it was afterwards. His name I do not remember now. Perhaps before this, there was a young man—I am inclined to think his name was Miller, whose father resided up in the neighborhood of what is called New Lexington, in that county—who was taken, I understood, by a company of disguised men from his father's house, in the presence of his father. He was carried off, and when found, some days afterward, he was found in some stream with a good many shots through him.

Question. Was he a colored man?

Answer. No; he was a white man.

Question. Was he said to have been taken out at night?

Answer. I am not able to say. My impression is not very clear; but I am rather inclined to think it was done in the day-time.

Question. But the men were disguised?

Answer. That is my information and understanding.

Question. Was any one ever brought to justice for that offense?

Answer. No sir; there was a colored man who kept a little school for black children close by my house, within a few hundred yards of it. He was taken out by quite a large company of Ku-Klux, as I have always understood, in disguise, from his house, in the night-time, and was carried into the woods just below my house and severely whipped, and tied to a tree, as I understood; and about this time—how it happened, whether through the instrumentality of the colored people, who got some news of what was going on, or not, I cannot say—the church bells rang in the town, and they became alarmed, as I have understood, and dispersed; and, in dispersing, in their haste, one of them lost his sheet or white dress, or whatever it was that he wore. That colored man was afterwards shot in Tuscaloosa, not by Ku-Klux, that I know of; that is, not by a company; but he was shot there and wounded in the arm, and he finally went off to Tennessee from fear of danger.

Question. What did you understand was his offense, if any, beyond his keeping a colored school?

Answer. Nothing that I ever heard of, except keeping a colored school. His house was broken open and injured before that—the school-house—and perhaps the books of the children destroyed that were in there, and other mischief done in the house. He was quite an intelligent colored man. He was a mulatto. He had once been the servant of a Mr. ——— he was the son-in-law of Mr. Gould that lived here in the county of Greene, an old gentleman whose name I cannot speak now, although I know him very well. At the time this man was freed, however, he belonged to Mr. Charles M. Laster, of Tuscaloosa.

Question. Was he a man of good character?

Answer. So far as I know, he was. I never heard anything to the contrary. I know his master esteemed him very highly, while he was a slave, as an intelligent, trusty, business negro. Recently—there are others I, perhaps, cannot call to recollection now—last spring was the last outbreak by the regular Ku-Klux, so far as I know. Last spring there was a colored man attacked in his house about two miles and a half, or something like three miles, from Tuscaloosa, on the Huntsville road, northeast of the place. They broke open his house and he fired, and they fired upon him, and he was shot all to pieces and killed. One of the company was hit by him, and died some ten days or two weeks afterward. He was a young Mr. Samuel, who was a clerk in some one of the stores in Tuscaloosa.

Question. State whether his connections were respectable—the family to which he belonged?

Answer. Well, sir, he was a son of Mr. Samuel, who, at one time, while he was alive, was clerk of the circuit court of that county. I cannot say that the young man was living a very reputable life, as I have always understood that he was living with, and had several children by, a negro woman; otherwise I do not know of anything that could be said against the young man. He was in the confederate army and was wounded in the war.

Question. Were any of his confederates ever discovered?

Answer. Well, sir, I have no doubt there were a good many of them known to a class of people in the town, but I do not know that I could say that any of them were discovered. I understood that before he died arrangements had been made that if he did get well he was to be sent out of the country, for fear of discoveries that he might make; but he died. He was shot in the breast. They were so close together that the wadding and everything went into him.

Question. Do you know what was the imputed offense of the colored man that was shot?

Answer. Well, sir, I do not know that he was guilty of any offense except it was said that he had a white wife; I suppose she was a low woman; I do not know anything about her, nor do I know anything about him. He was called Bill Washington, and before he was freed belonged to a gentleman by the name of Washington, in the county.

Question. One of the men who was concerned in redressing this social evil had lived with a colored woman and had several children by her?

Answer. Yes, sir. They were all said to be in disguise. There have been a great many outrages that I do not remember now, so as to state them with any degree of accuracy.

Question. I will ask you the general question, whether, in any of the outrages you have detailed, or any other outrages of a kindred character, any person or persons engaged have ever been arrested and brought to trial and punishment, so far as your recollection serves you?

Answer. Not one.

Question. I will ask you to state to the committee whether you are acquainted with the condition of affairs as to peace and the security of life, person, and property in the counties of Hale, Pickens, and Greene.

Answer. Well, sir, I can speak generally; I am not able to speak of it as it is now, but heretofore it has been considered very insecure for a class of people that were Union men, especially the colored class. There have been, as I have understood, a good many killed in Hale County and Greene County and in Pickens County, but the number I am not able to mention.

Question. Is it your information that the outrages committed in these counties are of a similar character with those you have described as having occurred in Tuscaloosa?

Answer. Yes, sir; they were committed by that class of people known as Ku-Klux, and mostly perpetrated upon colored people. A great many of them have been killed. I have heard of them as time has passed along. I have heard of this and that, and many of them I cannot call to remembrance at all. I have heard of them more in Greene and Hale County than I have in Pickens. I have heard that it was very dangerous for Union men in Pickens County, especially the colored ones.

Question. What perceptible effect, if any, has the passage, by the legislature of the State of Alabama, of the bill which was approved on the 26th of December, 1868, and which is directed against combinations of men of the character you have described as Ku-Klux, had in suppressing these outrages?

Answer. Well, sir, so far as I am able to judge, I do not think it has had any salutary effect upon the community. I think in either of these counties it would have been very difficult, perhaps almost impossible, to have punished, by the regular course of law, anybody for offenses of that sort.

Question. I was about asking you if, in your opinion, this organization, whatever be its name or purposes, paralyses all efforts on the part of the courts to bring the perpetrators of these crimes to justice?

Answer. I think it does, sir. That is my opinion. Grand juries are formed of people

generally by drawing from the box, and my opinion is that there are always enough who sympathize with this course upon the juries to prevent, as a general thing, indictments from being found for such offenses.

Question. If any member of these organizations was upon the grand or petit jury, or if any man was upon either of these juries who sympathized with the purposes of that organization, would it not be impracticable to bring to justice the men concerned in these outrages?

Answer. It is my opinion that it would be utterly impracticable, if not utterly impossible.

Question. From what you have been informed is the obligation or oath which members of this order take upon being initiated into it, is it your opinion that men who are cognizant of these offenses would sooner commit perjury than testify to their knowledge of these offenses?

Answer. I think altogether the larger portion of that class of people would not hesitate to suppress the truth. I suppose there are many men who, if compelled to swear at all on that subject, if they swore anything, they would try to swear the truth; but I think altogether the great majority of that class of people would suppress the truth.

Question. I wish to call your attention to the preamble of the act to which I referred a moment ago, and to ask your opinion as to the truth of these recitals at the time that the act passed. The preamble reads as follows: "Whereas there is in the possession of this general assembly ample and undoubted evidence of a secret organization," &c. [See page 541.]

Answer. I believe that preamble is substantially right.

Question. What is your opinion as to the present existence of this organization? What manifestations have occurred in any parts of the State which lead you to suppose that it exists, either through the entire State or in certain localities, at this time?

Answer. Well, sir, I have heard of no particular outrage within the last few months. I believe that such an organization existed in this State, and I believe it exists to this day, but it has recently been more inactive than it used to be. I do not remember now of any outrage of that sort, particularly that has made any stir in the community, since the one that occurred up in Calhoun County, of which Jacksonville is the seat of justice. It used to be called Benton County, but it is now called Calhoun.

Question. When did that occur?

Answer. That occurred within the last twelve months, I think not over six months ago.

Question. What was the nature of that outrage?

Answer. There were some five or six or more people killed by what they called a raid of the Ku-Klux. There was one or two of them, I think, white people, and the others were colored people; it occurred in Calhoun County. I do not know of any extended matter of that sort since that time, though I have heard of things of that sort of more or less moment since that time.

Question. What effect in arresting these outrages has the passage by Congress of an act approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," had, in your opinion?

Answer. Well, sir, my impression now is, that whether caused by that act or not, there has been, perhaps, a fewer number of that sort of outrages committed since than was in the habit of being done before that.

Question. What effect have the recent prosecutions and convictions in North Carolina, in the district court, presided over by Judge Bond, had in arresting these outrages?

Answer. Well, sir, I do not know that I have heard of any particular outrage since these trials were had.

Question. Have these trials been the subject of frequent conversation and comment in your part of the State?

Answer. Well, sir, I think I can safely say that they have, although I have not, for some time, been as familiarly associated with the people as I was before I was upon the bench. I have lived a more retired life since then than I did before. I think it is very likely that those trials in North Carolina have had more or less influence upon the people in this country. Hale County, Greene County, Sumter County, and Pickens County, from the information that has come to my knowledge, have been very bad counties for outrages by what are called Ku-Klux.

Question. Have you heard of the case of Dr. Blackford, in Hale County?

Answer. Yes, sir.

Question. Are you acquainted with Dr. Blackford?

Answer. Yes, sir; he was a member of the constitutional convention of which I was a member in 1867, I believe—the fall of 1867.

Question. Is Dr. Blackford a man of good intelligence?

Answer. Yes, sir; he is a man of very considerable intelligence.

Question. What is his character, so far as you know?

Answer. Well, sir, I knew he lived in that part of what is Hale County now, formerly forming part of Greene County, immediately south of Tuscaloosa. I did not know a great deal of Dr. Blackford before he was a member of that convention; I merely knew there was such a man, who lived in Greensborough, in what is called Hale County now. He was a member of that convention with me; he is an intelligent man, and said to be a good physician.

Question. What was his standing in that convention?

Answer. Very fair; he was an active, intelligent member of it. I know from reputation that he was judge of the probate court in that county. There was what they called a raid in that county in which there was considerable mischief done. I suppose the main object of it was to get hold of Judge Blackford. However, I understood that he received intimations a few moments before his escape, from some colored man. He escaped; went from his house and secreted himself, and avoided being captured or taken.

Question. What was his standing as a judge?

Answer. So far as I know, he was an intelligent, upright judge. I know nothing to the contrary; he was an intelligent man, certainly.

Question. What do you know of the disposition on the part of the old rebel element in the community to blacken and defame the characters of Union men who have taken office under the new constitution of the State of Alabama?

Answer. Well, sir, in my opinion, such men have been greatly slandered and greatly abused and evil entreated in that respect. Some of them have suffered violence. Judge Blackford is one of these cases. He resigned shortly after that raid, as they called it, upon Greensborough; he was probate judge; I do not think he resides there now. I understand he has some employment under the Government, some agency or something of that sort; I do not know exactly what it is.

Question. Do you know of an instance where an office-holder under the Federal or State government, of known Union sentiments, who is bold to proclaim them, and who advocates the tenets of the republican party, who has escaped defamation and persecution at the hands of the rebel element?

Answer. I know of no considerable man of that party that has. No doubt there are such persons who have not; but it has been so general that I am not prepared to say that I know any one of any considerable reputation that has escaped.

Question. I wish to call your attention now to the purposes of this organization that you have described, so far as you have been able to form any opinion, either from your own personal knowledge or from information derived from others, whether one of these purposes is to drive from the country objectionable persons.

Answer. Whether that is the purpose of the organization or not, I know it has had the effect to do so, either to drive from the country or to drive from their neighborhoods a great many men. It seems mostly to have been directed against the colored population. They have suffered much more than the whites who are of republican sentiments.

Question. I will ask your opinion, whether one of the purposes of this order is to influence negroes in voting—induce them to or deter them from voting?

Answer. I believe it is, sir. I am told that it has had that effect.

Question. I will ask your opinion whether it is one of the purposes of this order to promote the success of the conservative or democratic party; whether it is also one of the purposes to obtain for the democratic party the political control of the State and the possession of the offices?

Answer. I am perfectly persuaded that the main object is to accomplish that end.

Question. What effect has this terrorism exerted over the negroes had in causing them either to abstain from going to the polls at all, or to induce them to vote the democratic ticket that would not voluntarily have done so?

Answer. I am perfectly persuaded that it has kept hundreds and thousands from the polls, and that it has induced, under fear and terror, many of them to vote the democratic ticket.

Question. What is your information and belief as to the employers seeking to control the political action of the colored people by threats of turning them off of the land or other coercive means?

Answer. I have no doubt that means have been very extensively employed for the purpose of preventing them from going to the polls and controlling their votes, if they did so.

Question. From your knowledge of the negro and his sentiments toward the party which freed him, what proportion, if any, of the colored voters would, as a matter of choice, vote the democratic ticket, if no coercive methods were employed to induce him to vote that way?

Answer. I do not believe one in a hundred, if one in five hundred, would vote the democratic ticket if he were left entirely free to exercise his choice, without fear of molestation or injury.

Question. Well, judge, having described the disorders which prevail in some parts of

the State, and the inability of the courts to prevent or punish them through grand and petit juries, the committee desire your opinion as to how the evil is to be reached and cured; whether further legislation is required, and if so, of what character?

Answer. Well, sir, it is very difficult and perhaps impossible for a man to come to any very accurate conclusion upon that subject. My opinion is that it can never be cured substantially by means of the civil law. It is my opinion that nothing but military law will ever do it. My reason for this belief is, that I do not think you can ever, as a general thing, get grand juries, organized as they are in this country, where there will not be in that body a sufficient number to prevent indictments from being found.

Question. Have you any doubt at all that if the community in which these outrages are committed made an earnest and united effort to discover the perpetrators and bring them to justice, they would be successful?

Answer. Well, sir, if you confine that to the republican people in the country, I do not believe it is possible to do it; and I do not believe that there is any hope that the democratic portion of the community will ever sympathize and act with the republican party for the purpose of accomplishing that end.

Question. You do not catch the exact point of my inquiry, which is this: Whether, if the democrats were to combine and earnestly endeavor to put down these outrages, they could be stopped?

Answer. I believe they could, because I believe that those generally who do the actual mischief are the inferiors, who are operated upon by higher spirits that are not so open and manifest to the world. I believe myself that in Tuscaloosa County, and in Hale and Greene Counties—I speak now from information, and not from personal knowledge—that a very large proportion, a very large majority, of what are called the democratic people in those counties, either actually belong to or sympathize with what is called the Ku-Klux Klan; and so long as that is the case, I do not believe it is possible to do it.

Question. Would there, in your opinion, judge, be any practical difficulty in making fresh, vigorous pursuit after these bodies of disguised men, and overtaking one or more of them, and arresting them, and bringing them to justice, if the good men of the community were earnestly to attempt it?

Answer. I have no doubt they could be arrested, and I have no doubt the organization could be broken up; but the difficulty is that too many of those who are called the good men of the country are, in my opinion, members of that organization. I believe there is such an organization, although I do not know it by any personal experience or knowledge; but I have every reason to believe, and do believe, that such an organization exists, and that a very large proportion—I think I am safe in saying much the largest proportion—of the democratic people of the country either actually belong to or sympathize with that organization.

Question. What is your theory as to the cause of these outrages upon the colored people; do you think that the principal object is to control their political action, or is it to crush out every sort of independence?

Answer. Well, sir, I think perhaps it is both, but mainly the first. Now I feel it my duty to say that there are a great many good men among democratic people, who I do not believe sympathize with the Ku-Klux organization—a great many. But my fears are that a majority of those who are called democrats do sympathize with it, and many of the most intelligent of them are members of that body, and are the managers and controllers of the mischief that is done through its instrumentality.

Question. Do you think that at this time any man would be safe who set himself earnestly at work for the purpose of correcting these abuses, discovering the perpetrators, and causing them to be indicted and punished? Would he be safe in that effort?

Answer. I do not believe he would; and if he suffered no personal indignities or harm, I do not believe that one, or that a good many, could accomplish it, unless the great body of the people of that political sentiment should earnestly engage in it.

Question. There is another point upon which the committee desire your opinion, and that is this: what number of men, say in Tuscaloosa County, are disqualified from holding office under the fourteenth amendment? There has been a great variety of opinion as to the number of men in the State of Alabama who are disqualified.

Answer. Well, sir, my opinion is that it is supposed many more are disqualified than really are. I do not believe the number of those who are actually disqualified is as large as it is generally supposed.

Question. Take Tuscaloosa County, for example; what number do you suppose in that county are disqualified?

Answer. Well, sir, it is a mere impression or judgment of mine, and not that I have any particular data from which I can speak; I do not believe there are a very great many that are disqualified. My opinion is that there are comparatively very few.

Question. Certain lawyers of Madison County express the opinion that five hundred men were disqualified in Madison County.

Answer. I cannot believe that in Tuscaloosa there is anything to be compared to that.

I cannot believe that there is, in all of that county, and I do not know that there are fifty.

Question. What effect, if any, in your judgment, would the removal by Congress of these political disabilities have in arresting and in putting a stop to these outrages upon person, life, and property which you have been describing?

Answer. Well, sir, it is my opinion that it would have very little, if any.

Question. So far as your information extends, has not Congress been very ready to remove these disabilities wherever applications have been made in good faith, and the persons making these applications have professed repentance for their crime of going into the rebellion?

Answer. I do not know that I am apprised of a single instance in which it has been refused, where a proper application has been made for that purpose.

Question. Do not these men who are disqualified at present claim that Congress should, as a matter of duty, remove these disabilities without their petitioning Congress?

Answer. Yes, sir; they seem to manifest that as their belief, that it should be done.

Question. How are the offices in Tuscaloosa County at this time filled generally, by republicans or democrats, commencing with justices of the peace and rising in the scale?

Answer. Well, sir, I am not able to speak with any degree of accuracy upon that subject. My opinion is that there are a great many justices of the peace of that class. Among higher officers there are not so many of them, and consequently there are fewer of them. Our present sheriff and last sheriff are democrats; our probate judge is a republican—passes for a republican; our commissioners of roads and revenue, forming what is called the commissioners' court, are—I do not know that I know who they are in the county, and I am not able to speak on that subject.

Question. It has been said, and it has been argued, that if the democrats were allowed to hold the possession of the offices in the State they would inspire such confidence in the community, and there would be such cordial co-operation on the part of the community in aiding them in executing their offices, that these outrages would be stopped, that these disorders would cease, in case the offices were filled by the old resident citizens of the country; what is your opinion upon that subject?

Answer. It is rather a difficult question for me to answer; I can only answer it according to the best of my opinion upon that subject. I think it is very likely that if they were permitted to enjoy all the offices in the country and have their own way politically, perhaps there would be fewer of these outrages; but I do not believe it would make them any more friendly to those who are republicans, either white or black. There might be fewer outrages, perhaps, but I do not believe it would restore the friendship or confidence of that class of people in the other. If the democratic party had the entire government and all the offices, I think it is very likely there would not be so much violence in the community, perhaps, as there is, though I am not able to say; it is mere conjecture upon my part; I cannot tell anything about it, really. If they were secure in their places, and secure of maintaining themselves permanently, it is very likely that they might be more or less satisfied with that; but I think any serious opposition to that would have precisely the same influence that is now being experienced in the country.

Question. How are northern men of republican faith welcomed in your community when they come down to settle, if any such instances have occurred?

Answer. There are comparatively very few in the immediate circle of my acquaintance. My opinion is that that species of immigration is not encouraged, and I do not think they are treated with anything like the same respect and courtesy that others are who have lived here always and are of different sentiments.

Question. Do you know of any discrimination being made in the community in matters of business, in matters of professional employment, between men of different political faith?

Answer. I do not believe that any professional man—I do not speak of the clergy now, for I do not know so much about them; but the other two professions, that of medicine and that of the law—I do not believe, unless with rare exceptions, that a republican of that profession could make a living here; nor do I believe a mechanic could successfully make a living.

Question. How would it be with the men who engage in the business of selling goods and merchandise?

Answer. I think there would be a very great discrimination made against them. I know the most of our merchants from abroad with us are foreigners—what are called Jews sometimes. I think they are suffered more than native-born American citizens from the faithful States would be. I think there is great discrimination made. I do not think a northern man that was a republican could successfully contend against that influence in the community in which I live at all.

Question. Do the foreigners, when they come among you, find it to their interest, as a general thing, to affiliate with the democratic party?

Answer. Well, sir, I have mingled so little, since I have been on the bench, with political matters and political men that I am not able to say how they vote. My impressions are, however, that many of them vote the democratic ticket, especially the Irish.

By Mr. BLAIR:

Question. Judge, I understand you to say that there is great bitterness exhibited and discrimination made against those persons, socially, who act with the republican party in this State?

Answer. I believe there is, sir.

Question. Do you think you have suffered yourself from that discrimination?

Answer. I am satisfied that I have. I know, General Blair, that in my social intercourse—and, for myself, I have tried to live a quiet, peaceable, harmless life—I am satisfied—indeed, I do not think I am mistaken in saying I know—that I am not rated as I was before the war. It very often happens now that men pass me without even speaking to me—men that I have known for years and years. I know of no other cause to attribute it to, except my position and my political sentiments.

Question. Are you conscious, judge, of any resentment on account of this social discrimination against you?

Answer. Well, sir, I can only state what I have experienced. I know that I am not treated with the same kindness, the same familiarity, and the same respect, apparently, whatever they may have inside, that I used to enjoy in the community in which I lived. I have always strived to live a quiet, peaceable, harmless life myself, and never intended to give any offense or occasion any offense to anybody, either politically or otherwise. Now, I have always been, when I came to this State and since I have been here, what was called an old-fashioned federalist. I was raised by my federal father, and I have always acted in the minority, so far as I have acted at all, since I have lived in Alabama, with the exception of since the rebellion commenced. I voted generally with the whig party during the time of the whig and democratic parties. I have sometimes voted for democrats. I always made it a matter of conscience not to vote for a man of my political sentiments if I thought he was a bad man, and I have frequently voted for democrats in preference to such men, and I would do it again.

Question. That is not exactly responsive to the question which I asked, if you will pardon me.

Answer. Will you please repeat it, general?

Question. I asked you if you were conscious of any resentment toward the people among whom you live by reason of this social discrimination against you.

Answer. Yes, sir, I think I am; I think I am the subject of it myself, and I am satisfied others are who sympathize with me in political sentiment—in Union sentiment. I am satisfied that the merchant, Mr. Woodruff, who lives in Tuscaloosa and who has been a merchant there for forty-odd years—I am satisfied that his trade, which was a prosperous one up to the time of the war——

Question. I am afraid that I have been obscure in the manner in which I put my question. You do not seem to comprehend the point of it.

Answer. I will try to.

Question. I will ask you if you are conscious of any resentment in your heart against those who you think have treated you badly since the war?

Answer. If I know my own heart, General Blair, I would not injure the hair of the head of a man who has treated me in that way. I wish them all well, and I have tried to treat them well. As far as I know myself, I do not harbor any resentments of that sort.

Question. The question was suggested to me by what I—I may be mistaken—but what I considered the very harsh tone of your criticism upon those who were engaged in the rebellion, and as to their present feelings toward the Government, and as to many of them of most respectable standing being in this Ku-Klux organization.

Answer. I believe, from the very bottom of my heart, general, that a very large portion of that class of people have either sympathized with, or been actual members of, that organization.

Question. And that they are all now relentlessly hostile to the Government?

Answer. No; I do not say that. I say that there are some highly respectable, and perhaps many democrats who do not lend their countenance to anything of that sort; but I think a very large majority of them do sympathize with that organization, and I think a very large majority do not only despise, but wish evil to the Government of the United States.

Question. May it not be, judge, that you have mistaken the sentiment among these people, of grief for the condition of their country, which has been overridden by strangers, and plundered by them under this reconstruction law and the administration of the State government here, hostility to its administration for hostility to the Federal Government, or hostility to the institutions of the country?

Answer. I am not sure that I get exactly the drift of your question now, general.

Question. I will endeavor to make it plain to you, sir. I ask you if you may not be

mistaken in taking the evidence of hostility toward those who have been thrust upon them in office here, strangers, and men who do not have the confidence of the people, and to their administration of the State government, by which the people have been plundered in the State and county governments—whether that hostility may not have been mistaken for hostility toward the Federal Government, and the institutions of our country?

Answer. I am persuaded that it has not.

Question. You are well aware, doubtless, of a very deep-seated hostility to those who have been thrust into office here by the Federal Government, and at the point of the bayonet?

Answer. I am not apprised that there have been any such officers here that have been thrust here by the point of the bayonet.

Question. I am glad to hear you express yourself in that way.

Answer. I do know—I think I know—that there have been, perhaps, quite a number of what you would call bad men who have come among us, not strangers, as you would call, to the Government, but from other parts of the Union, from that portion of it that was attached to the Union side. They have come here. They are called carpet-baggers. I know that there is a great prejudice in the community, especially the democrats, against that class; and I am free to say, general, myself, that I did not approve of the course pursued by a great many of that class, although they form exceptions to the great body of the class of people who have come here. There are some of them I have never had any respect for myself, that I did not think came here for good motives or good purposes. But there are a great many of them that I believe did come here with sincere, honest, good purposes, to make this country their home, and desire to participate in the government upon honest, fair, and just principles, without any intention of oppressing or injury to any part of the old settlers or old citizens that were living here. It is not to be expected, I suppose, that in a time like that which we have passed through, there would not have been, more or less, bad men coming among us. There have been, I have no doubt, many of that sort here, and many of them are here yet. I confess myself that I have not been gratified, I have not been satisfied, by the course pursued by a great many of that class of people.

Question. You said that this State government was not forced upon these people at the point of the bayonet.

Answer. No; you did not ask me that question.

Question. You stated, in reply, that you were not aware of any government forced upon the people here.

Answer. No; I did not say government.

Mr. RICE. Any officers.

The WITNESS. Any officers.

Mr. BLAIR. Then I will ask you the question whether the election of all the State officers, from the highest down to the lowest, was not dependent upon the adoption of the present constitution?

Answer. I do not know that there would have been any of these officers here if that constitution had not been adopted; I cannot tell.

Question. Do you not know that by the terms of the act of Congress under which it was submitted that constitution was rejected?

Answer. I know that there was not the number of votes required for its adoption, according to the letter of the act of Congress. I know there was not—at least as I know everything else of that sort—that there was not the majority that the act required.

Question. Then do you not know that it was placed upon the people of the State by a subsequent act of Congress and the people of the State were compelled to accept it by force?

Answer. I do not know of any force being used, in the proper sense of the term of that kind. I know it was adopted by Congress under what I understand to have been and to be a provision of that act.

Question. Did not you and everybody in the State know that when it was thus adopted by Congress it would have been put in force in the State by military power, if necessary?

Answer. I do not know that. I think it is very likely it would have been, though I do not know anything about it.

Question. You do not know that Congress was prepared and ready to enforce its acts, then?

Answer. I suppose they were. I take it for granted that Congress would enforce its acts.

Question. Then does not that meet the question which I asked you, and to which you were disposed to say you did not know—that this was put in force by the authority and power of the Government?

Answer. It was put in force by the power of Congress; I admit that; but I do not admit that it was put in force by the bayonet.

Question. Nor the knowledge that the bayonet would follow, if necessary, to put it in force?

Answer. No, sir; I do not know anything about that. I do not know what would have followed. I think it would have been the duty of the Government of the United States to have carried their policy, when once adopted, into effect.

Question. It was under that constitution, and only by means of that constitution, of the enforcement of that constitution by an act of Congress, that all the State officers took their places, was it not?

Answer. I suppose it was. They did not qualify, I understood, until after that act of Congress was passed. I was not qualified myself until that act of Congress was passed. I think, perhaps, it was passed in June, and I qualified in July. I do not remember accurate as to dates; I may be mistaken as to the particular date.

Question. That is not necessary.

Answer. I know I was qualified about the middle of July. How long it was after the adoption of the act of Congress I cannot say.

Question. Do you not know it to be a fact that the great body of the white citizens of this State, nearly all of whom are democrats, felt themselves outraged that Congress should have failed to keep its faith as expressed in the law by which that constitution was submitted to the people of this State?

Answer. I am not aware, General Blair, that Congress failed to keep its faith. I have no knowledge of that, sir; and more, I do not believe it did fail. If it did, I have no knowledge on that subject.

Question. Did not Congress pass an act by which they said that the constitution should be submitted, and if it did not receive a majority of the votes of the qualified voters of the State it should be regarded as rejected?

Answer. If you will produce that act you will find that there was a power left in Congress to adopt that constitution whether there was a majority or not. If you will have that act brought here you will see that that is the case.

Question. Why did they, then, go through the empty form of submitting an act or constitution which they reserved the power to enforce, whether it was accepted or rejected?

Answer. I suppose that when that act was passed—and I have always thought myself it was a very impolitic feature in the act—I suppose that Congress believed that the democratic party would act in good faith in relation to that law, and come forward and vote themselves, and permit others to vote without undue influence; but they did not do that, General Blair. The democrats in Alabama, and I suppose in other States, —though I do not know so much about that—determined that they would not vote at all, and did not vote as a body; they refrained from voting, and used every influence within their power to prevent others from voting. I know they used, as I verily believe, a very prejudicial influence upon the colored voters of the State, and prevented many of them—I have no doubt thousands and thousands of them, that would have voted for the adoption of the constitution—from voting for it. I believe that if there could have been a fair vote of the registered voters of this State at the time it was submitted to the people, without any influence operating upon them, that constitution would have been adopted by more than three-fourths of the registered voters in the State.

Question. That is, a majority of the people?

Answer. Yes, sir. Most of this, general, is a matter of opinion or judgment on my part, because I cannot know many things.

Question. You think it was bad faith in the democrats not to vote?

Answer. I do.

Question. When Congress said to them that the constitution, if it received a majority of the qualified vote, should be adopted, and if not a majority, should be rejected?

Answer. I do not think that was what Congress said.

Question. Well, what did Congress say?

Answer. My understanding—I have not the act before me—is, that Congress reserved to itself the power to judge of this matter, whether there were any undue influences used, by which undue influences the constitution should be rejected. If they were satisfied that such a thing had happened, they reserved the right of declaring in its favor themselves. That is my recollection about the act. If you have it here, I think you will find it—not that I remember the words——

Question. You think Congress meant to play the game of "heads I win, tails you lose?"

Answer. No, sir; I do not believe any such thing. I believe Congress intended to act fairly in relation to this matter; and I think it was the great spirit, and mistaken spirit of fairness on the part of Congress, that ever induced them to put that fairly in the bill.

By Mr. BUCKLEY:

Question. Did not Congress alter that feature of the bill? Just as soon as the elec-

tion was held and Congress found out that the democrats were not acting in good faith, they changed the law and required them to vote.

Answer. I do not remember about that now, Mr. Buckley. I know, General Blair, that every effort was made on the part of the democratic party, as a party—probably there were exceptions—by abstaining from voting themselves, and preventing those that they could exercise influence over, and mainly those who were colored voters from voting for the constitution. I do not know, personally, but I have been told and understood by general information, that many means were used to prevent the colored people from voting. In the neighborhood that is called the "Foster settlement," in Tuscaloosa County, where there is perhaps a larger body of colored people than any other part of the county, on the river, as it lies on the opposite side of the river from Tuscaloosa, they had to cross to come to Tuscaloosa to vote, crossing a ferry called "Foster's ferry;" and I have been credibly informed, and I have no doubt of the truth of it, that hundreds of the black people who wanted to come to Tuscaloosa to vote were refused to be put across the river by the man who kept the ferry, who was a democrat, and consequently they had not the opportunity to vote. I know another thing that you, perhaps, may not know, for it may not have extended over the whole country, that that election came on in one of the most inclement times, perhaps, we have ever had in this country, which prevented thousands from going to the polls. Another reason was, the colored people were exceedingly poor and destitute of the means of conveyance, except on foot. Thousands of them were therefore unable to get to the polls.

By Mr. BLAIR:

Question. I am aware of the fact that a great many such excuses have been made for the want of faith, or failure to keep faith, on the part of the Government; and I have been advised since I have been in the State, and before, and I presume that you are aware of the fact also, that hundreds of negroes voted again and again at the various polls; that the registrars of voters were themselves candidates for office throughout the State, and that hundreds and thousands of men who were not qualified to vote by age and for other reasons were put upon that list. That has been testified to here by republicans in this town.

Answer. Well, sir, I cannot help it if it has been testified to; I must say, from the very bottom of my heart, I believe that, with a very few exceptions, that is untrue.

Question. You believe it to be untrue that the registers of elections were themselves candidates for office?

Answer. O, no.

Question. Throughout the State?

Answer. I do not know anything about that; but I do not believe it. I do not know that they were or were not. I have no information on that subject. I think it is very likely; and I will tell you my reasons why I think it very likely: perhaps many of the colored people that would have voted might not have been over twenty-one. It is very difficult to tell when a negro is twenty-one or that he is not. They very often do not know themselves. They are an ignorant people, and their age is a thing they perhaps know less about than anything else. I think it is very likely that many did vote who were under age. I do not know of a single instance, sir; but I should not be surprised if such was the case.

Question. If the persons who wanted to give their votes were at the same time registers of the election and judges of the election, there would not have been any very great scrutiny?

Answer. I do not know anything about that, general. As to my own county, I do not know a single instance of anything of the sort.

Question. Mr. Hale, who lives in this place——

Answer. I know Mr. Hale.

Question. And who is a republican——

Answer. I know that.

Question. Stated that the election which took place in this county upon that occasion was the most disgraceful scene of fraud that he ever witnessed in his life.

Answer. I do not know anything about that; but as for my own county, so far as I know, or believe, generally, there was nothing of that sort took place more than ordinarily takes place at an animated election.

Question. It is in testimony here, and I believe in regard to every place in which this committee has taken testimony in this State and in the counties about which testimony has been taken, that the registers of election and judges of election were themselves candidates at the same election.

Answer. I cannot say whether they were or were not.

Question. Will you undertake to deny that, in the face of the evidence which we have taken?

Answer. I do not deny anything about it, because I do not know. I will tell you, general, I have never participated in any one election in any way since I have been on the bench, except simply to go quietly to the polls and cast my vote.

Question. I did not understand that you were on the bench at that time.

Answer. I was not on the bench at the time the constitution was voted for, but I took no part to control that election. I went quietly to the polls myself, and voted, and did no more.

Question. Then you are not very competent to testify as to these facts about which you have been speaking?

Answer. If they had prevailed to any considerable extent in Tuscaloosa I think I would have heard of it. I have no knowledge that such a thing took place there. Indeed, I cannot remember now who were the registers of voters there; I do not remember even that.

Question. I was not speaking as to Tuscaloosa.

Answer. Now, I cannot tell anything about outside of Tuscaloosa.

Question. Then why do you profess to give your opinion here that a very large majority of the people would have voted for the constitution?

Answer. I said "of the colored people."

Question. But they do not compose the entire body of the people of the State?

Answer. No; but I believe a very great many of the poorer classes of white people—the more ignorant, who were most easily controlled and operated upon—would, many of them, have voted for it if it had not been for the influence used; not that I know it personally outside of my own county, or perhaps inside of it; but I am satisfied that such was the case, from information that was common at that time.

Question. You speak of influences.

Answer. Yes, sir.

Question. I want to know if influences of certain kinds are not very proper to be used?

Answer. Yes, sir.

Question. And especially upon those who are so ignorant as not to understand themselves?

Answer. Yes, sir; if there is an honest effort on the part of any one to give honest information to ignorant voters, it is praiseworthy; but where there is an effort not of that character it is greatly prejudicial, and I think there was a great deal of that used by the democrats in that election.

Question. And none at all used by the republican party?

Answer. I did not say that. It would be very strange if there was not, among the republicans, or any party, more or less who did that. But I do not think, as a body, there was anything to be compared on the part of the republicans to what was actually done by the democrats.

Question. You think the military officers who were running here as candidates for Congress at the time did not make every exertion?

Answer. I do not know of any military officers of that sort (who were military officers then) that were running. I know of some who had been military officers.

Question. You do not know that a military officer was elected from this district for Congress, and took his seat on the admission of the State?

Answer. This is in Tuscaloosa district, is it not?

Question. This is in Hay's district. I do not know whether it is in Tuscaloosa district or not.

Answer. I do not know. The first Congressman elected under the present constitution was the present member, I believe.

Mr. BUCKLEY. No; it was Major Pierce; but he had been mustered out more than two years before that election.

The WITNESS. I did not know. He lived in that district. He was stationed while in the Government employ down at Demopolis.

By Mr. BLAIR:

Question. He was here on duty in the Freedmen's Bureau at the time of his election. Was he the officer who superintended the appointment, and did appoint, the registers of election, and who removed from here, in the line of his duty, to Mississippi?

Answer. I do not know anything about that. I know he was called Major Pierce. That is about all I know about him. I have met Major Pierce, and I formed a very favorable opinion of him as a gentleman, and I am inclined to think he was a conscientious Union man. He had that appearance.

Question. I was not questioning you just at the time as to his character, and whether he was an amiable man, or clever gentleman, but I was questioning you as to his military status.

Answer. I do not know anything about it.

Question. And his supervision of the election in this district?

Answer. I only know he was called Major Pierce.

Question. Do you know a man by the name of Callis who was in the Army, and Freedmen's Bureau, who was elected to Congress?

Answer. He was elected, from my information, from North Alabama. What he was, I do not know. I never saw him that I know of.

Question. I expect his constituents knew as little about him as you do.

Answer. I do not know how that is.

Question. It is shown satisfactorily by the record that he was an officer when elected a member of Congress, and after the rejection of the constitution according to the terms of the act of Congress, he removed into Mississippi and went on duty there.

Answer. I do not know anything about that subject. I never heard it stated before. I can say yet, General Blair, I have never been into, although I have lived here going on 48 years, I have never mingled with politics. I have always been a quiet man in that respect. I never was a candidate for any political office in my life—never. I can say, perhaps, what very few can say; I never went to a political gathering called stump-speaking in this State, in my life—never. I do not say I never heard a stump-speech. They are sometimes made in the court-house—made after the adjournment of court on the first day. I have sat by and heard such things. As for going away from home to a political gathering of that sort, I never did it in my life.

Question. It is very praiseworthy.

Answer. I do not know whether it is or not: but I must say I never admired the mode and manner of electioneering in this southern country. It was not like what it was where I came from when I left New York; but I am told it has mightily deteriorated since then; that there is a great deal of stump-speaking there now. That is very common in the Southern States. But when I left that State, if a candidate had ventured to appear in public on the ground on election day, I reckon it would have greatly impaired his chance of election. I never witnessed anything of the sort. Never witnessed a stump speech in that State in my life. I left in 1824.

Question. What State was that?

Answer. New York. It has become, since then, I am sorry to say, politically of a character that I do not admire by any manner of means, in that respect, and in many others.

Question. I suppose all these are matters of taste?

Answer. Yes, sir; a great deal so. What suits one man's taste is repugnant to and does not suit another.

Question. You had no hesitation, though, in taking office after the constitution was defeated under which you were elected?

Answer. I do not admit that it was defeated, General Blair, in the first place. I must say to you, though, that I did not seek the office, and I was not present in the convention when I was nominated. I declined to go to that convention, or caucus, or whatever you please to call it. I did not approve, and so expressed myself, of the election of the officers at the same time that the election for the ratification of the constitution took place. I was utterly opposed to all of that sort. I was utterly opposed to electing public officers at that time. I wanted the constitution submitted to the people by itself, on its own merits solely. I did not desire any office, and did not know that there was any. I had no information. I had no idea I was to be nominated until I was nominated. I took no means to procure my election, either directly or indirectly. I never, so far as I know, electioneered or expressed a desire on the subject. If I ever did, it was that I did not want the office, and I do not want it to-day. I wish, myself, I never had had it.

Question. O, well, we are all opposed to having office.

Answer. I cannot say how that is as to everybody. I can say honestly, myself, that it is not a thing I desire.

Question. You have stated that your feelings were of the kindest possible in their character toward the people of this State; and in view of that fact, I wish you to review the sentiment which you have uttered, and ask your well-considered opinion upon it in regard to the declaration that the people of this State have not softened in their hostility toward the General Government.

Answer. I do not believe, as a body, as to those who were instrumental in bringing about the rebellion, that they have. I say that from my heart.

Question. And you do not know of any policy that would cause them to be less hostile to the Government?

Answer. I do not know of any policy, unless Congress would just give up to them, and let them have control of the Government, and do as they please. There is nothing else, in my opinion, that would do it with that class of people of whom I speak.

Question. You have stated that they expected confiscation, and would have willingly surrendered their political privileges to have saved their property at the time of the surrender?

Answer. Their property and their persons. I say it; and I think I say it upon what is, to my own mind, altogether satisfactory. While the war was going on, General Blair, I was substantially an outcast among my own people. My associations were avoided, and I was treated with all sorts of contumely. I never, so far as I know, in my heart, returned evil for evil in that respect, and do not now. I would not injure the hair of the head of any man who was the most violent democrat or secessionist that there is in the State of Alabama. I wish them all well, but I wish they had different hearts from what they seem to have.

Question. All these democrats seem to be very bad men?

Answer. No, sir; I never have said that. I have said that there are a good many good democrats—a good many good conscientious democrats, I have no doubt.

Question. You think they were all of them very ready to injure you?

Answer. No, sir; I have never said that. I have said that there was a class that would.

Question. You state that you were entirely avoided by the people here, and treated with contumely?

Answer. I did not say entirely. I had some personal friends who have known me for a long time, and they did not, as I told you, want to see an old man like myself injured. I believe I owe the escape with my life to that feeling among my personal friends, who were democrats. I honestly believe I would have been sacrificed, if it had not been for this influence that operated in my favor.

Question. There were a great many just such men as you are, and none of them were sacrificed?

Answer. I do not know that there were a great many such as I was.

Question. There are some in this town?

Answer. There were. They were comparatively few, and they were very quiet like myself, and said very little.

Question. Through the northern portion of this State it was an almost universal Union party?

Answer. We had very little information of the condition of North Alabama. I was not there during the history of the war. After I went to the supreme court in Montgomery—I got there a few days after the act of secession passed, and I attended that term of the supreme court, and went home and never left the corporate limits of Tuscaloosa from that time until the war was over. I staid at home quietly and peacefully; went from my house to my office and back. I rarely went out on the street. I had very little to say or do with the people. I knew that my feelings were not in harmony with theirs, and they knew it. I tried to live as quietly as possible; to live as I could.

Question. Now, I ask you again the question, whether you have not mistaken the feeling of hostility towards the administration of the General Government, and the administration of the State government for hostility to the principles of our Government, and the Government itself?

Answer. Every man, General Blair, is liable to be mistaken. I do not believe that I am mistaken when I say that, as a body, I believe, the democratic party to this day——

Question. That includes nearly the entire body of the white people in this State.

Answer. I mean of those who are leaders, and were leaders, because, in my opinion, there was comparatively a very large majority of the white people of Alabama who were opposed to secession; and if they could have had an opportunity to have voted upon that ordinance, would have voted it down by a very large majority—if they could have had that vote free from outside influences. It was forced upon them, without having an opportunity to say "yea" or "nay." They refused to submit it to the people.

Question. In that view of the case, in which I concur entirely with you, that a majority of the people, not only of Alabama, but of every one of the Southern States, probably with the exception of South Carolina, if this ordinance of secession had been submitted to them, and if they had been adequately protected by the General Government, would have rejected it——

Answer. Yes, sir; if they could have been protected, there is no doubt about that.

Question. The General Government was very efficient if it had chosen to employ its forces?

Answer. In the first place I do not believe the General Government was very anxious to do it.

Question. At what time?

Answer. Immediately before Mr. Lincoln went into power.

Question. Mr. Lincoln was not in a very great hurry for it, either?

Answer. I do not know anything about that. I never had the pleasure of seeing Mr. Lincoln.

Question. I want to refer to the question in which you interrupted me before I concluded it, that the majority of the people of this State, and, as I believe, a large portion of the seceding States, were against secession and in favor of the Union.

Answer. I believe they were, taking the common people. It was mostly composed of the poorer class of people.

Question. But a *de facto* government was established over them by force of arms, and the General Government did not interfere with its establishment?

Answer. I do not know that I apprehend what you mean by "force of arms." Do you mean that the rebel portion of the community forced a government upon them?

Question. Unquestionably I mean that; and it must be true, if, as you say, the majority of the people of this State were against secession.

Answer. There was no force of arms used, that I am aware of, even by them at the time; there was moral force, perhaps more than moral force, but no actual military

force used for the purpose until after the act of the confederate congress for the conscription was passed.

Question. Such a government was, at any rate, established?

Answer. Yes, sir.

Question. A *de facto* government?

Answer. No; I do not admit that it was a *de facto* government.

Question. You did admit it existed.

Answer. I admit it was a rebel government, but not a *de facto* government in any sense of the term; and, if you will look at an opinion I delivered, you will see my views upon that subject.

Question. I am perfectly willing to concur in your opinions about the law upon that subject. There was a government—an existing government?

Answer. Yes, sir; a government that had the power over the people and their property, and did with them just as it pleased, and they seemed powerless to resist it.

Question. Under that state of affairs, with the majority of the people whose hearts were in favor of the General Government, but an existing government established over them by some means, I want to know what you think of the act of Congress punishing this entire people for the acts of these leaders.

Answer. Well, sir, I am not aware that they punished the whole people. I do not know anything about it. I think they have punished very few of them myself, not half as many as I think good policy required should be punished.

Question. Do you not think it punished those whom it disfranchised from suffrage?

Answer. They disfranchised themselves by rebelling. My opinion is that every man, as a rebel guilty of treason, forfeits his privileges under the Constitution of the United States, except to be tried by a court and jury.

Question. You say he ought to be tried by a court and jury?

Answer. Except to be tried by a court and jury.

Question. That is the thing which was not done to any of them?

Answer. I am not aware of any trials for treason.

Question. They were punished by legislative enactment, not by trial?

Answer. I don't know what you call punishment.

Question. I ask you, as a judge of the supreme court of this State, what you think of any government punishing its citizens without trial?

Answer. I believe that any man who rebelled lost his citizenship by his treason.

Question. How is his treason to appear—by a judgment of his peers?

Answer. Where there are but few concerned in it, it can only be done in that way, but when there is such a rebellion as in this country, it is a matter open to the observation of everybody.

Question. And you do not believe that it is necessary in that case to try by a court, and condemn before punishment?

Answer. Before any bodily punishment, I believe it is; either to do it that way or by some other lawful means.

Question. Is not the deprivation of civil rights a punishment?

Answer. They threw their rights away by their rebellion; they spurned them, and called the United States a foreign Government; and if you will look into their acts you will see some very strong acts of that sort.

Question. I simply wanted to get at your opinions on that subject, and not to controvert them here.

Answer. You shall have them honestly.

Question. I am happy to have them; they are much bolder and outspoken than those who——

Answer. I do not think there is any boldness about it; I just speak the honest purposes and sentiments of my heart.

Question. You express the opinion now that a certain class of offenses cannot be punished here by court and jury?

Answer. In a great many places I do not believe they can.

Question. And you recommend the military power?

Answer. I do not recommend anything, General Blair.

Question. You express the opinion that it can only be done through military authority?

Answer. I do not believe it can—not effectually. It may be done partially, as it is being done in North Carolina.

Question. You would then recommend, or believe that the proper course to be pursued is to take away from the people the writ of *habeas corpus* and give them martial law?

Answer. I believe, in all these neighborhoods, counties and districts, where the civil law cannot be enforced for the protection of the people, it ought to be done. Wherever it can be done by the common law and the courts and juries, I believe that ought to be done. I deprecate as much as any man alive, I think, this thing of military law, unless in case of dire necessity.

Question. And you believe that necessity has occurred?

Answer. I believe it has in North Carolina, and I believe it has in South Carolina; and I believe there are some counties in this State in which it would have been better if it had been done; that is my honest, sincere belief. I believe it would have spared the lives of hundreds and thousands of innocent negroes. I think that what the Government mistakenly believed was mercy and clemency, has been a great cruelty to those who have been sacrificed, as those who know much about it down here know they have been. Hundreds and thousands have been sacrificed that should not have been; and everybody knows, that knows anything about it, that those who have been sacrificed, with very rare exceptions, in all these political affairs, have been of the republican party. The democrats have never suffered, unless now and then one has been killed (as one in Tuscaloosa County) when they were on these raids.

Question. All the republicans are entirely law-abiding, harmless people, well disposed?

Answer. No, sir; I did not say that; but I say as a body they are.

Question. And the democrats are just the contrary?

Answer. I say the democrats, as a party and body, are the contrary.

Question. Well, you are not a man that takes any interest in politics?

Answer. No, I didn't say I did not take any interest.

Question. Have no strong political feeling?

Answer. I hope I have no prejudice in political feelings. I have political feelings, and perhaps they are strong, but I trust I am not a prejudiced man.

Question. You do not feel any resentment toward the people?

Answer. I would not injure one of them if I had the power, unless I had the power constitutionally to do it. I would not even then harm any one, unless he was lawfully proved guilty.

Question. No; with your views of the Constitution, you would find power to do anything you wanted to do.

Answer. I hope my views of the Constitution are conservative and true.

Question. That is a natural hope.

Answer. And I think I have been a consistent man, politically, socially, and religiously. I have tried to be; I have never been an ultra man in any respect, so far as I know.

Question. No, it does not appear that you are very ultra in asking for the suspension of the *habeas corpus*, and various other little things of that sort.

Answer. Yes, sir, such things, General Blair, in crises of the country, become necessary. If it had not been believed that it would be, it would never have formed a part of our Constitution. I do not suppose it was put in our Constitution for nothing.

Question. You think the crisis has arisen—war and insurrection?

Answer. I think the crisis has arisen. I do not know that such a rebellion could have been got up and carried on four years without it, if it is possible for such a crisis to arise; if it did not arise then, it has arisen since. But I wish you to understand that I am not friendly to military law in any case, unless where I believe the direst necessity requires it—the security of the people, and for no other purpose.

Question. I think that will sufficiently appear from your testimony, that you are not a friend of military law.

Answer. No, sir; I am not a military man, and never have been.

Question. When were you subpœnaed to appear before this committee?

Answer. I received the telegram from the committee here, by its sergeant-at-arms, the day before I left; and I came down here yesterday.

Question. You received it day before yesterday?

Answer. Yes, sir. I like to have been mistaken. My son got it, but after looking it over carelessly I thought I was to go to Montgomery, and made preparations to go there. But before starting I examined it and discovered the mistake.

Mr. BLAIR. I asked the question simply to have it noted upon the testimony, in the minutes, because I was not informed any witnesses were to be called from your county, and you have been; the chief justice has been called and another judge from an adjoining county. I have had no notice sufficient to enable me to call countervailing testimony in the time which we propose to stay here. I wish that noted in the record.

The WITNESS. The telegram advised me that they desired my attendance immediately, and I came off as soon as I could. I did not know that I was the only man that had been called from that county.

Mr. BLAIR. I did not make the remark with reference to yourself. I state that for the information of Congress, which sent us down here to have an examination of witnesses on both sides of this question. This places me in the attitude of not having the power to call witnesses. Of course the judge, no doubt, is giving what he considers the fair view of the case; but it might appear different to others not affected by the same opinions.

The WITNESS. It is very likely that those who know nothing about this country and have not lived in it as I have, and gone through with my experience; that strangers,

particularly, do not comprehend the state of things down here; and it has often been a matter of wonder to me that northern, eastern, and western people never did comprehend the character of these people here better than they do.

Mr. BLAIR. I expect there are a great many men who comprehend the state of affairs here as well as you do, judge. I say that with great deference.

The WITNESS. I have no doubt there are loyal people down here, but they are very few, in my opinion. What they may do just now, I cannot tell; but their experiences were very slow in progressing, and it was a long time before people could be made to believe that such things could happen as did happen down here.

Mr. BLAIR. I do not propose to call in strangers to the State; I proposed to call citizens of character. But inasmuch as I have not had that privilege, I do not care to pursue the cross-examination upon particular subjects which the judge has touched upon. I will confine my cross-examination to the general matters of his testimony.

By Mr. RICE:

Question. What is your age?

Answer. I was born in 1799, and am in my seventy-third year.

LIVINGSTON, ALABAMA, *November* 3, 1871.

BENJAMIN M. GLOVER sworn and examined.

The CHAIRMAN: This witness having been called at the instance of the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. State your residence and occupation, Judge Glover, if you please.

Answer. My residence is at Mount Sterling, Choctaw County, Alabama. I am the probate judge of that county.

Question. How long have you held the position of probate judge?

Answer. I was appointed by the governor; I think my commission dates about the 10th of May.

Question. Of this year?

Answer. Yes, sir; of this year. Previous to that time I was engaged in the practice of law there.

Question. How long have you lived in Choctaw County?

Answer. I settled a plantation in Choctaw in 1858. I moved my family there the 1st day of January, 1861. I went there, I supposed, as a temporary resident until the war, which I looked upon as inevitable, would close. Prior to that time I belonged to the whig party, and I opposed secession and everything of the kind. I retired from the active scenes, and went to my plantation with my family, where I could be in peace and quiet during the war. I supposed it would only continue a short time.

Question. Have you any knowledge of the condition of your county as to the observance of law and obedience to law?

Answer. I am intimately acquainted with the people of Choctaw County there, and in every part of it. I have lived in the county now nearly eleven years. I have traversed the county in the political canvasses we had there, though not a candidate—canvassed the county, which has brought me in direct contact with the people there—and I am satisfied, from my knowledge of the people of Choctaw County, that there is not a more law-abiding people in the State of Alabama than the citizens of Choctaw County, taking them as a mass.

Question. There have been several violations of law reported in your county by witnesses who have testified before the committee.

Answer. There are in that county, as, I suppose, in every other county, some people who are lawless. I do not know them. I have heard of some violations of the law there, and those violations have been universally regretted by the substantial citizens of the county—those that live there and own the soil. They have done everything that they could to detect the violators of law there. We have had our probate office burned—set on fire—a fire-proof building, and there have been some murders committed there, but I never heard of the particular charges. I have heard rumors of the charges against the parties who were murdered. I do not know any of them, except one. I knew one of the negroes who was murdered.

Question. Who was that?

Answer. That was Abe Lyon.

Question. Do you know anything of the circumstances, either from your own knowledge or from reliable information, which attended and caused his murder?

Answer. I do not know anything, of my own knowledge, but I have heard it suggested and reported there. During the session of our last spring term of court the sheriff adjourned the court before the termination of the term, and it created some

little excitement there. There was no cause for his resigning. In fact, he spoke of resigning before the court convened, and we prevailed upon him to hold the court; that it was important that the business should be disposed of, and to hold on until the court got through the business. But on Tuesday of the second week he resigned. Judge Smith was in the habit of sending a boy—I think he was probably from eighteen to twenty years old—to Mount Sterling for his mail on mail days. We have a large male academy there. The boy went down on Tuesday, and the court adjourned Wednesday; the boy went down there Tuesday and got drunk, and got out among some boys there and got very impudent to them, and they gave him a good thrashing. He went home and reported to Judge Smith's brother, who was living at his house at the time, that he had been severely beaten by the boys there, and he advised him to go down before the grand jury that was then in session, and indict them. Next morning he got ready to go, but said he was afraid to go. Abe Lyon, as I understood, collected some twelve or fifteen men, and they armed themselves and started down; and he remarked, as I was informed, that he would go there, and, if necessary, he would burn the town, and if the white people did not let the negroes alone, that he would head a crowd and he would commence killing from the cradle up. I understand that was the cause of the attack made upon him.

Question. Did you understand that the crowd who killed him consisted of both whites and blacks?

Answer. Yes, sir; I understood there were blacks with them.

Question. From whom did you derive the information?

Answer. I have heard it from a number of persons; I can't tell. I heard it as coming from his wife, and then I have heard other persons say that there were blacks among them. There was another negro that was killed there, and I heard the cause of his being killed was that he attempted to commit a rape on a white lady. I heard of that at the time it occurred.

Question. What was that negro's name?

Answer. My impression is that it was Rogers. I do not remember the names of the negroes that were killed, all of them; but I knew Abe Lyon personally, because when I lived in Demopolis he lived with Mr. Frank Lyon, and learned his trade in a shop just across the street from where I was living.

Question. Did you see him after he was killed?

Answer. I did not, sir.

Question. Did you hear of a man named Ezell being killed?

Answer. Yes, sir; I heard of a man by the name of Ezell being killed there.

Question. Did you hear any cause assigned for his killing?

Answer. I did not, sir.

Question. Did you hear of a man by the name of Lem. Campbell being killed?

Answer. Yes, sir.

Question. Did you hear any cause assigned for that?

Answer. I heard he had made a remark that he would be willing to join a crowd and commence killing from the cradle up.

Question. Did you hear that these men were disguised?

Answer. Yes, sir; I heard that they were disguised.

Question. In every instance.

Answer. I think that in one instance, perhaps, they were not disguised. I think, that probably in the case of Rogers, that was killed for attempting to commit a rape, the parties went out and killed him without any disguises. I did not hear who the parties were.

Question. It has been stated here by several witnesses that the negroes in your county have been deterred from voting by intimidation on the part of the white people.

Answer. Well, sir, I reckon I know about as much about that as anybody in the county; because in the different elections I have visited different parts of the county, and I have never heard of the first instance of any intimidation toward the negroes. In fact, they have voted, in a body, the radical ticket, with a few exceptions. Now, they have voted in about four precincts out of sixteen in the county. I have heard the negroes say that they have been instructed to go to these different precincts to vote, and not to vote anywhere else. I know that they passed by precincts, and traveled on fifteen or twenty miles to get to the point where they were instructed to go to vote. They would go there and get around the polls and put in their votes, and go in crowds and have their jollifications around, and I have never known any attempt at any intimidation at all, except on the part of the negroes. There are a few negroes there that have voted the democratic ticket all the time; and last November, in our State election, there was a negro went up to the polls and voted the democratic ticket, and there was a crowd got around him and were in the act of mobbing him because he had voted the democratic ticket, and a number of white persons went up there and suppressed the mob.

Question. Did the negroes have arms?

Answer. Yes, sir; a number of them had arms, and a great many of them came to the polls armed.

Question. You say the negroes stated that they were instructed to go to these four precincts in the county?

Answer. Yes, sir; to vote.

Question. What did you understand that to mean; instructed by whom?

Answer. Some of them said they were instructed by Judge Smith, and some by others.

Question. What object do you suppose was had in view?

Answer. I did not ascertain. I made no inquiry; I merely supposed that they might be there in a sufficient body that, if any attempt was made to control their votes, they could prevent it; but there never has been any effort made on the part of the people there to control them, except by argument.

Question. Was it supposed that these instructions were given them that they might be at the polls where the managers on the part of the radicals could meet them, and there furnish them with tickets?

Answer. They were sent there.

Question. And to prevent them being reached by the democrats, who would try to influence them?

Answer. Yes, sir; the object was to avoid the influence of the white people.

Question. By massing them?

Answer. Yes, sir; in large bodies.

Question. They vote according to the prevailing opinion of the blacks?

Answer. They voted 700 or 800 strong at Butler, the county-seat, and I suppose there were 300 white votes there; at a number of other precincts there was not a radical vote cast at all, where there are a large number of negroes living. The negroes had gone to other points. They were all white votes there.

Question. I believe the law permits them to vote at any precinct in the county?

Answer. Yes, sir; any precinct in the county.

Question. Who were your county and judicial officers elected in 1868?

Answer. In 1868 there was a man by the name—I cannot recall his name.

Question. Who is the circuit judge?

Answer. Judge Luther R. Smith.

Question. Was he a candidate for any other office at the time?

Answer. Yes, sir; he was elected representative from that county.

Question. At the same election?

Answer. Yes, sir.

Question. How long had he lived in that community?

Answer. He moved there in the winter of 1865 and 1866.

Question. Who was elected probate judge.

Answer. That was the man I was trying to think of.

Question. Hill?

Answer. No, sir; Hill was not elected. Another man was elected, but he failed to give the bond, and Dr. Foster was appointed. Dr. Foster was elected to the senate from that district, composed of Choctaw, Washington, and Clark Counties. He held the office of probate judge, and still held the office of senator until after the election of General Grant to the presidency. He then got the appointment of revenue collector for the Mobile district, and resigned the office of probate judge, and Judge Hill was appointed in his place.

Question. Did he still retain the offices of revenue collector and senator?

Answer. Yes, sir; he holds them both now.

Question. Judge Hill was appointed?

Answer. Yes, sir. Dr. Foster moved to Mobile immediately after he got the appointment, and he is living in Mobile, and holds the office of revenue collector and senator also

Question. Who was elected treasurer?

Answer. There was no election of treasurer. Judge Hill was appointed treasurer before he was appointed judge. He held the office until he was appointed judge. He then resigned, and his brother, Alexander Hill, was appointed.

Question. Are they natives of the county?

Answer. Yes, sir; they are natives of the State, and have lived a long time in that county.

Question. Who were the other representatives from the county?

Answer. After Judge Smith determined to qualify as judge of the court, he resigned his situation in the legislature, and Dr. Evans was elected in his place.

By the CHAIRMAN:

Question. To what office?

Answer. Representative. Judge Smith was elected representative and judge at the same election, and he resigned the office of representative, and Dr. Evans was elected by the people in his place.

By Mr. BUCKLEY:

Question. Judge Smith never took his seat in the legislature?

Answer. No, sir; he never took his seat in the legislature.

By Mr. BLAIR:

Question. Were there any charges brought against your probate judge, Hill, and his brother, Alexander Hill, the treasurer?

Answer. I do not know of any charges against Judge Hill. Judge Hill went into the office, and was very efficient in discharging the duties as far as he was competent. He knew but little about the duties of the office. He never had any connection with it in any way whatever. He was not a practicing lawyer. Alexander Hill was the treasurer and justice of the peace there. Judge Hill also held the office of register in chancery. He holds that now. He is now the register in chancery there. At the spring term of our circuit court the grand jury, which was a very efficient body, appointed a committee from their own number to investigate the offices of the county. In that investigation they ascertained that the treasurer, Aleck Hill, had received from the tax-collector of the county fees to the amount of $3,600, and a few dollars more than he had accounted for in his books. Immediately after the adjournment of the court, though, Judge Hill left his office and went to his plantation, and the office was left there in charge of his brother, Aleck Hill. The circuit clerk had left the office, and was managing the plantation of Judge Smith, and had left Aleck Hill in charge of the clerk's office.

Question. Who was the circuit clerk?

Answer. A man by the name of Leonidas Alston. He was elected first and failed to qualify in the time prescribed, and then was appointed by Judge Smith to the office. The offices were closed after the adjournment of the court, except as persons would want to go in on business. Mr. Hill having the key, would go in and transact any business he desired. I think it was about the 1st of April the court adjourned, and on the night of the 14th of April, at some 11 or 12, or 1 or 2 o'clock at night, the office was discovered to be on fire, and the whole of the records of the probate court and of the circuit court were burned, together with the treasurer's accounts of the moneys he had received and paid out. The treasurer that came in after him was required, by an order of the commissioners' court, to make an investigation and state the account between the tax-collector of the county and the former treasurer. That treasurer was a very competent man, who has recently died; he was familiar with the business of the office; and it was ascertained from the accounts that he did state against them that the former treasurer was in default by about $7,000, and the tax-collector about $2,700. The report of the former treasurer was that the funds were deposited in the iron safe in the probate office, and were consumed with the office. The tax-collector had resigned before he had completed the collection of the taxes, and had moved to California.

Question. Was there any evidence going to show that this statement that the funds were in the iron safe was untrue?

Answer. There was a large amount of confederate money deposited in there that had been paid in, in the settlement of executors and administrators. When the safe was opened there were the bundles perfect in size, but all charred to a coal; but you could read very distinctly the character of funds, and there was none but the confederate money discovered in there.

Question. No remnants of any other description of money?

Answer. No, sir; none at all; nothing else but confederate money. I suppose there was a half a bushel, or a peck, at least, of it in there.

Question. Would it have been possible to have consumed that missing money without leaving a trace?

Answer. There would have been some trace of it.

Question. Dust or ashes?

Answer. Yes, sir.

Question. It would probably have been found in as perfect a form as the confederate money?

Answer. Yes, sir.

Question. What inference was drawn from this?

Answer. The universal opinion of the country is that the house was set on fire by the parties interested in destroying the evidence against them.

Question. Have the courts taken any notice of it?

Answer. The matter was investigated by the grand jury of that court which was recently held there. What was done before them has not been developed. Everything is kept secret until the parties are arrested. But I know witnesses were examined before the grand jury on this subject; and, in fact, I was examined on one branch of it myself.

Question. There were at the meeting of the court which immediately followed some notices, which purported to be Ku-Klux notices, threatening the judge?

Answer. Yes, sir; there was one stuck up on Sunday night. There were three persons seen at the court-house door about 11 o'clock on Sunday night. The party that saw them went to the sheriff's house, his residence, and told him that there were some parties trying to break into the court-house. He got up and went to the court-house with a light and found a notice stuck up there over a black piece of cambric, threatening the judge; warning him not to hold the court there.

By Mr. BUCKLEY:

Question. Was it the Sunday night before the court convened?

Answer. Immediately before the court convened. The sheriff took it down and showed it to a number of us there, and on Monday he showed it to the judge—the judge and all the lawyers together; he showed it to them and they called a public meeting there of all the people that were there from different parts of the country, and the matter was made known to them. There was a universal expression of opinion against anything of that sort; and a number of persons—in fact, the whole community—volunteered themselves there to protect the court. On Monday night there was another one stuck up.

By Mr. BLAIR:

Question. Similar in character?

Answer. Similar in character. No one saw them stick that up. There were three persons at the court-house door when the first notice was stuck up. It was seen by some citizens of Butler. The judge became a little alarmed. He was a stranger in that part of the country. He lived in Montgomery. He talked with me and a number of others.

By Mr. BUCKLEY:

Question. He was judge of another circuit?

Answer. Yes, sir; he was Judge J. Q. Smith, from Montgomery. I was then not practicing in the court. I had a great deal of business in court, though, which my partner was attending to. We got through with everything that could be done on the civil docket. All that could be done was to take orders to substitute papers——

By Mr. BLAIR:

Question. As the records were all burned?

Answer. Yes, sir; the grand jury was organized and in session, and at work. The judge had nothing to do there. He went down to Bladen, and spent a few days there, until the grand jury closed its business and reported, and he adjourned the court and left there on Saturday. He left my house on Saturday morning of the second week of court for this place. The impression is that those notices were stuck up by some parties who feared the investigation of some matters before the grand jury, and wanted to break up the court.

Question. Did suspicion point to any person?

Answer. I don't know; I suppose they all had their opinion about it, but they did not express the opinion beyond that. No name was mentioned, at least within my knowledge; but that seemed to be the universal opinion, that they wanted to break up the session of the grand jury.

Question. Did it connect itself in any way in the minds of the people with the burning and destruction of the court-house?

Answer. I have no doubt it was connected in the minds of the people with the burning there, but the people were cautious in expressing their opinion, and did not say in what particular parties desired it broken up, but that was the most prominent matter which came before them, unless it was the investigation of some of these murders which had been committed. I have no doubt some of them had some connection with it.

By Mr. BUCKLEY:

Question. What was written on this occasion on the court-house?

Answer. I do not remember the language, but in substance it was about this: "We cannot allow any one to be sent in upon us by Judge L. R. Smith to hold the court in his place here, and we warn you now not to hold the court." That was about the substance of the charges against him.

By Mr. BLAIR:

Question. Judge Luther R. Smith testified before this committee in Washington City to several matters, and, among others, to the destruction of his mill and fence?

Answer. His mill was burned there, sir, and that was a matter that was deprecated by the whole community very much there. It was not known by whom it was done, and I understand that his fence was on fire too.

By Mr. BUCKLEY:

Question. Did you understand that his gin-house was set on fire at the same time?

Answer. The gin and mill were attached—the grist-mill and gin-house together. I had my gin-house set on fire after the surrender, and eighty bales of cotton burned up in it.

By Mr. BLAIR:

Question. Have you any idea by whom it was done?

Answer. I have some idea it was done by a white man in the neigborhood. I do not know certainly that it was him, but I merely suspect him. It was not burned for my politics, I know.

Question. Do you suppose Judge Smith's property was burned for any such reason?

Answer. I can hardly think it was burned for that purpose.

Question. What motive could have actuated the party?

Answer. Well, Judge Smith has made himself unpopular in the country there, and some person may have had some private pique against him. It may have been his politics; but if it was, it was done by a very few persons, for I know the political sentiment of the people of the county, and their sentiment on that subject. They are opposed to any violation of law and any harsh measures. If they cannot convince a man by fair argument of his heresy, they let him go. That is the course they have pursued with the negroes and everybody there.

Question. Has any effort been made to discover the persons who committed those crimes of which you have spoken, against the negroes?

Answer. Yes, sir; there was a meeting of a few of the citizens at Desotoville, immediately after the killing of Abe Lyon. Desotoville is a little post-office and store, and some half a dozen families live there. They disapproved of it, and made all the inquiry and efforts they could to ascertain who the perpetrators were; but they could not discover anything; did not know where they came from or where they went to.

Question. Have you any evidence that the citizens mean to take more thorough measures in that county for the suppression of this?

Answer. Yes, sir; at the last term of the court and at this meeting they passed resolutions there deprecating it, and pledged themselves to use all their means to suppress it hereafter, and to keep down everything like violence, or lawlessness, or disorder. I conversed with people from all parts of the country, and that was the universal opinion there; that they deplored anything of that sort. In the first place, they thought it wrong—thought it was not right to do it; and in the next place, they thought it was not policy for them to do it.

Question. Did you see on your route here a body of armed men, or hear of them, who were in the pursuit of some of these marauders?

Answer. Yes, sir; I did not see them; I heard of them. I missed them, I suppose, by about half a mile. I heard of them. A large number of gentlemen, the most respectable in the county, and among them the representative of this county.

Question. In that county?

Answer. In this county. It was in the lower part of this county, not far from the line. They said there had been some persons in the county here who had been punishing negroes and controlling them, to the injury of the community, and they were determined to put an end to it; and they were then on their way to visit those gentlemen and notify them that they had to stop this; that no more violations of law must take place with them; and if it did they must leave the country; that they could not permit them to live in the country here in open violation of law, committing depredations calculated to bring trouble on the country and to destroy the peace and quiet of the neighborhood, and destroy the labor system of the country.

Question. Did they know that these parties they were about to visit had been guilty of these acts, or suspect them?

Answer. I understood it was such evidence as induced them to believe that they were guilty of it.

Question. Was this party armed?

Answer. I did not understand, particularly. I think they were; I am not sure about that, though. The gentleman who told me about it said that they were a large number of the most respectable citizens of the country, who were going around trying to break up the lawlessness and disorder in the country.

Question. Did they say anything about the inefficiency of the officers, and that they were compelled to do this out of hand?

Answer. Yes, sir. Now, in Choctaw County, we have had some very inefficient officers. The sheriff lived some twenty miles south of Butler, and these depredations took place in the northern part of the county. This man Aleck. Hill was his deputy, and attended to business in his absence. He was a very dissipated man, and it was very rarely you could get him to attend to any business.

Question. Who was your sheriff?

Answer. J. W. Wimberly.

Question. When was he elected?

Answer. He was appointed sheriff.

Question. By whom?
Answer. By Governor Smith.
Question. When?
Answer. Soon after the organization under the new constitution.
Question. Who was elected sheriff?
Answer. A man by the name of Rogers was elected sheriff.
Question. Did he qualify?
Answer. He qualified, and came up to Butler, and came and looked into it, and did not think the office would pay, and resigned.
Question. Who was he?
Answer. An old man who lived in the southern part of the county—quite an old man.
Question. Was his successor a radical?
Answer. Yes, sir; he voted with the radical party. He now claims to be a democrat. After he resigned, a man by the name of Meadow was appointed last April or May. He qualified about the 1st of June. He is a very efficient man and a good officer.
Question. Do you know a man by the name of Robert Fullerlove?
Answer. I know him by reputation.
Question. What is his reputaation?
Answer. He has the reputation of being a very violent and turbulent man. He lives in the neighborhood of Tompkinsville. There is a large number of negroes living up there in that neighborhood, and he is said to be the leader of his party up there, and controls the negroes.
Question. Is his character bad in any other respect than turbulence?
Answer. Well, he has not a good character there at all.
Question. Do you know where he lives?
Answer. He lives near Tompkinsville, some twelve miles north of where I live.
Question. He testified before the committee a day or two ago, and stated that he came from his home, near Tompkinsville, to this place, and that he came by Black's Bluff.
Answer. Yes, sir.
Question. Is there any road from Tompkinsville to this place by Black's Bluff?
Answer. No, sir; Black's Bluff is a little landing on the river. There is one road running from the western part of the county to the landing, and that is the only road leading to Black's Bluff; one road from the western part of the county, below this.
Question. That falls into another road that comes here?
Answer. It cuts across the road.
Question. Where does the road coming from Tompkinsville here cross the river?
Answer. It does not cross the river at all; it is on this side of the river. Black's Bluff is on this side of the river. There is a direct road from Tompkinsville here, and that would leave Black's Bluff some eight or ten miles east. Coming from Tompkinsville here, by the way of Black's Bluff, he would either have to come up to where this road crosses the Tompkinsville road, and then take it and go directly east to the river——
Question. And then come right back on the same road?
Answer. Yes, sir; or have to come up through the woods and paths and plantations, from Tompkinsville, to get there. I know the geography of the country; I have been all over it. [Witness illustrates by a map of Alabama.] The road from Tompkinsville goes by Pelham, near Gaston; thence near Gaston, and then on to Livingston there. Pelham is the nearest point to Black's Bluff. Coming by Pelham, directly to Livingston, the nearest point passed to Black's Bluff would be about twelve miles.

By Mr. BUCKLEY:

Question. If he kept the public road?
Answer. Yes, sir.
Question. It would be nearer, if traveling horseback, to go across?
Answer. Yes, sir; but he would have to go through plantations.

By the CHAIRMAN:

Question. But it would be just as direct going through plantations?
Answer. No, sir; it would be out of the way to come by Black's Bluff.

By Mr. BLAIR:

Question. How much?
Answer. Ten or twelve miles.

By the CHAIRMAN:

Question. By a direct road?
Answer. Yes, sir; if he went through plantations and came out and made the angle at Black's Bluff.

By Mr. BLAIR:

Question. In speaking of this road from Tompkinsville, is there a heavy swamp on what would otherwise be the direct way from Tompkinsville to Black's Bluff?

Answer. There is a large creek that runs in between Tompkinsville and Black's Bluff that is very difficult to cross; that is the Kintabish Creek. It has high bluffs, and I do not know that it can be crossed at all, on horseback, between the public road and the river.

Question. For that reason you think no such route would be taken from Tompkinsville to Livingston; not only because the main road is more direct, but that this course is much more difficult because of the interposition of this creek?

Answer. Yes, sir.

Question. You have given us the names of some of the officers of your county; state, if you please, who was superintendent of your county?

Answer. W. J. Gilmore. He was the superintendent, and was elected the county solicitor.

Question. Was he the superintendent of schools?

Answer. Yes, sir.

Question. State, if you please, whether he is indebted to the county?

Answer. He moved, after holding the office for some time and while he was superintendent, over into this county, across the line a short distance. He had made contracts and established a number of free schools in the county, and the school-teachers made frequent visits to Butler to see him to get their compensation. One of them I saw there. He had been there several times to see him, and he told me afterwards he paid him off in some cattle. He had, according to his own statement, about $4,000 of funds in his hands, and some time last spring his house was burned, and he stated that the school-funds were burned up in that house.

Question. Did he move over and run for the legislature in this county while superintendent of that county?

Answer. Yes, sir; and solicitor of that county.

Question. While both superintendent and solicitor of that county he came over here and ran for the legislature?

Answer. Yes, sir.

Question. Did he have his residence in that county?

Answer. His residence was in that county when he was appointed superintendent, and when elected solicitor; and while he was holding these offices he moved over into this county.

Question. Was his house burned in this county?

Answer. Yes, sir.

Question. With the funds of Choctaw County, burned up?

Answer. Yes, sir; the county superintendents are required to execute a bond with a penalty sufficient to cover the amount of funds in their hands. He gave a bond, or rather he drew an instrument himself, and put no penalty in the bond. He had it signed by a number of persons, but there was no penalty in the bond, and consequently it could not be enforced against the securities.

Question. Has he had anything to respond, himself?

Answer. Nothing in the world, sir. His wife has some little property.

By Mr. RICE:

Question. Is it the law here that you cannot collect the bond unless there is a penalty on the face of it?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Does it make the bond void, unless there is a penalty in it?

Answer. Yes, sir; it has been so decided.

Question. By what court?

Answer. The securities on the bond are not responsible, anyhow.

Question. But I want to know as to the legality of the obligation. Was it in the nature of a contract with the State that he would faithfully discharge his duties as county superintendent?

Answer. Yes, sir; there is an amount always fixed as a penalty in the bond, which fixes the extent of the liability of the securities. He, of course, is not absolved from the obligation, but the securities cannot be held equitably on the amount of the penalty fixed in the bond.

Question. Why not, if there is a general agreement, signed by him and his sureties, that all of them shall be liable to the State for the faithful discharge of his duties? What law prohibits the obligors, principal and surety, from being bound?

Answer. That is the construction put upon it, that they limit the extent of the liability of sureties on the bond to the penalty placed in the obligation.

Question. Certainly, when there is a penalty put in it.

Answer. The bond reads that they are indebted to the State of Alabama in the sum of so much money, which they agree to pay, and bind themselves, their executors and administrators, to pay. The condition of the bond is, that the penalty of the bond is

to be enforced upon failure to perform the conditions or the duties required of him as a public officer.

Question. Do you mean that this instrument was in the form of a bond, but made with a blank as to the amount of the penalty?

Answer. Yes, sir.

Question. That was the nature of it?

Answer. Yes, sir.

Question. Would not your courts hold that all the parties to that bond were, under those circumstances, liable to the full amount of the defalcation?

Answer. I do not think they would.

Question. Has the matter been tested?

Answer. No, sir; not in this case; but then I know the sureties on the bond myself, and I do not believe $500 could be made from the whole of them.

Question. Who approved of that bond?

Answer. The superintendent of education for the State.

Question. Is Mr. Gilmore a southern man?

Answer. Yes, sir.

Question. Was he a citizen of Choctaw County at the time he was elected?

Answer. He was living in Choctaw County at the time he was elected.

Question. Had he been engaged in the rebellion?

Answer. I do not know. He did not go much in the army; he dodged that as much as possible.

Question. He was living here during the rebellion?

Answer. Yes. sir.

Question. His appointment, then, I suppose, was unobjectionable to the citizens?

Answer. I told you the appointment of all the officers in the State of Alabama——

Question. But I am speaking of Mr. Gilmore.

Answer. I am going to bring it down to him.

Question. I prefer you should answer my question.

Answer. I will answer the question. As to that, the election of Mr. Gilmore, under the circumstances, was not satisfactory to the people.

By Mr. RICE:

Question. Why didn't they beat him, then?

Answer. They considered that they were all beaten in Alabama. He was elected solicitor; he was appointed superintendent of education, but elected solicitor at the time they voted on the adoption of the constitution of the State of Alabama.

By the CHAIRMAN:

Question. Is he a good lawyer?

Answer. I do not consider him a very good lawyer.

Question. Did he discharge his duties as county solicitor well?

Answer. Not very well.

Question. Faithfully?

Answer. He attended the courts, but rarely ever convicted anybody.

Question. Was it his fault, or the fault of the evidence, or the jury?

Answer. It was bad management.

Question. Which party does he vote with at this time?

Answer. He has voted with the radical party ever since the reconstruction measures passed. I understand that he is now a democrat.

Question. How long has he been a democrat?

Answer. I never heard it until the other day.

Question. When you heard it, how long did you understand he had been affiliating with that party?

Answer. Recently. I heard he said the radical party promised he should be elected to the legislature if he moved into Sumter, and they nominated him, and he was defeated. They made an additional promise, that if he was defeated for the legislature, they would give him the office of circuit clerk here; but they failed to do that, and he had no further use for them.

Question. I suppose he will be received with open arms by the democratic party now?

Answer. No, sir; we are willing that such men should "stand foot and spell head."

Question. Do you mean when republicans change politics you will not receive them?

Answer. We mean, when a man has been a democrat all his life while there was a chance to get office, and then going to the republican party, and then failing and coming back to the democratic party, we have no confidence in his stability; we are willing they should vote with us and co-operate with us, but unwilling to place them in power.

Question. You are a democrat?

Answer. I am now; I was an old-line whig before the war.

Question. Did you take part in the rebellion?

Answer. No, sir.

Question. How did you avoid it?

Answer. I resisted secession up to the very last moment; I had settled a plantation in Choctaw County; I lived in Demopolis; and when I saw Alabama was going out, I took my family to my plantation, to live there in peace and quiet out of the way of the excitement until it was over. I supposed it would not last more than a year at the outside. I remained on my own plantation and attended to my own business there during the war, and at the close of the war my property—my negroes were emancipated—my whole property consisted in my plantation, some stock, and some cotton I had down there. I made cotton during the war against the will of my neighbors there, and just after the surrender some of them went and set fire to my gin-house and burned it.

Question. Who did that?

Answer. I cannot say; I suspected a man in the neighborhood. I had retired from the practice of the law years before that. I had enough to live in comfort, and having my property taken from me and everything, I had, in my old age, to go back to first principles, and I have been working in the profession since.

Question. You had done nothing in the war to make you subject to the political disabilities imposed by the fourteenth amendment?

Answer. None at all; I did this: I lived on my plantation; before the war came on the neighborhood where I lived was made up mostly of poor men; I was cultivating rich bottom-lands, and I would frequently go out and help them cultivate their crops, and give them meat and corn. I kept up the same habit in the war. When their husbands would be taken off to the war, and families left destitute, I supplied them with bread and meat, and worked their crops, and visited them when they were sick. I was not in the war.

Question. You did not render any such aid as would make you subject to disqualification?

Answer. I rendered no aid.

Question. Did you make application to Congress to have your disabilities removed?

Answer. I did write there; at least a friend of mine prepared an application. I told him I was satisfied I was not under disability, but if there was any application needed I would make application. I had no idea of seeking office at the time, but my application was sent there and not acted upon, I suppose.

Question. Was it signed by you?

Answer. Yes, sir.

Question. What did you set forth in that application?

Answer. Simply the facts as I have stated them to you; that I was a Union man before the war; that I had no confidence in the success of the confederate government here: that I had lived on my plantation, and had supplied the poor families around me with provisions when they were out, as I had done before the war, and that I had taken no part in the rebellion at all; but if I was considered to be under any disabilities, that I wanted them removed.

Question. What was done with your application?

Answer. It was sent to Senator Spencer, and I suppose he presented it to the Senate. I never heard from it.

Question. Has Congress never acted on that application?

Answer. I never heard of it.

Question. You are now holding office under an appointment from Governor Lindsay?

Answer. Yes, sir.

Question. Is that the only office you have held since the war?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did you hold an office before the war?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were you a member of the legislature before the war?

Answer. Yes, sir, but I felt a consciousness that I had done nothing during the war to put me under disabilities.

Question. You say that Robert Fullerlove was a violent, turbulent sort of man?

Answer. That is the character he has in the neighborhood. I do not know him personally.

Question. In what way do people say he is turbulent?

Answer. They say he is dictatorial and overbearing, and he is considered the leader of his party up there.

Question. Leader of the colored people?

Answer. Well, of the radical party, which is the colored people.

Question. Is that considered an offense in that community?

Answer. No, sir, not an offense; but it is considered that he takes undue measures.

Question. What do you mean by "undue measures?"

Answer. I only hear this general account of him up there.

Question. I suppose any man who would take bold and vigorous measures to promote the success of the republican party in a democratic community of whites, would be regarded as a turbulent fellow, would he not?

Answer. No, I do not know as he would be regarded as a turbulent fellow. But he does this, as I understand it: where he finds one of his color has the disposition to vote the democratic ticket, he will go and threaten him with violence, and control him and keep him within the party.

Question. Would a white democrat that sought to control a negro's vote by threats or violence be considered a violent, turbulent fellow?

Answer. He would be considered as violent, and I do not know any white democrats in my county that do that.

Question. I am not saying that in such a peaceable community such gentlemen could be found, but I will suppose such a case. Would he be set down as a turbulent fellow?

Answer. Yes, sir; I think there are democrats who are turbulent as well as radicals.

Question. So, he is a leader of his party, and controls the negroes?

Answer. I will tell you what I saw myself.

Question. You say he has not a good character at all?

Answer. I say this, what the people around speak of him.

Question. That is what makes character. I want to know in what his bad character consists. They say he is a bad negro. In what does that consist?

Answer. They did not go into particulars about it, and I never attached importance enough to inquire about it.

Question. Have you ever heard since the close of the war, since the reconstruction measures, of any strong, ardent republican, who sought to promote, by all fair means, the success of the party, whether he was white or black, of whom it was not said by the whites that he was a turbulent, bad man?

Answer. No, sir; I have known a great many of them whom it was said were earnest, and used all means, but they would do it fairly, as every other politician. I have heard it said by democrats that they respected those men because of their independence.

Question. Will you give the names of leading republicans that are spoken of in such gentle terms?

Answer. I cannot. There are so few in my section that I do not know them; but I have heard of them elsewhere.

Question. But in your community?

Answer. No, sir.

Question. You denounce such in your community?

Answer. In the presidential election there were twenty-one white radical votes in my county.

Question. You have no such gentlemanly, well-behaved leaders of the republican party in your county?

Answer. I do not know that there are any there that are otherwise. I do not say that there are any white republicans there that have taken these measures. I have heard it said of Judge Smith that he would not, and that was one ground of complaint—that he would assemble the negroes at his house and instruct them, and that he has controlled them in that way.

Question. Was he a turbulent, bad man?

Answer. No, sir; generally Judge Smith is a very upright gentleman.

Question. Is he respected in the community?

Answer. Yes, sir; he was as much respected as any man in the community, after he moved there.

Question. But after he became an office-holder was he respected?

Answer. Yes, sir: he was respected up to the election, twelve months ago. I can tell you what objection the people raised to him then.

Question. Let us hear it—what he did as a judge.

Answer. Some time in the month of July, I think, he called a meeting at his house, and there were a large number of persons, and but three white persons there—he and Judge Hill, and one other, I understood; and that meeting appointed him and Judge Hill delegates to the State convention at Selma. He went to the convention and presided over the convention. He then would frequently meet with the negroes, and talk with them upon the subject of politics. He was holding the court in Greene County when the election came on. He adjourned the court on Saturday over until the next Wednesday, and came home to cast his vote. The people say as to a judge and an officer of courts in the South here, that when they get on the bench they ought to keep aloof from parties; but he was mixing up a little too much in political matters for the judge of the circuit court.

Question. The opinion of the southern people is, then, that a judge ought not to vote?

Answer. No, not to vote, but not to go out on the hustings and mix up with the crowd, and endeavor to lead the masses.

By Mr. BLAIR:

Question. Not to abandon his court for that purpose?

Answer. No, sir; not to abandon his court.

By Mr. BUCKLEY:

Question. Have you heard Judge Smith make a political speech since he has been on the bench?

Answer. No, sir; I never heard of his making a political speech in my life. Judge Smith is a good judge, and a very polite and courteous gentleman. I would as soon practice before him as any man in Alabama. But I am giving you the objections the people have to Judge Smith.

By Mr. BLAIR:

Question. You were going to give us an instance of this Fullerlove interfering with democratic negroes.

Answer. I was going to tell you what I witnessed at the presidential election. I went up to Tompkinsville on the day of the election, for the purpose of replying to a speech that Mr. Gilmore had made to the negroes a short time before that. The carpet-baggers are hard enough, but some of the scalawags are a heap worse.

By the CHAIRMAN:

Question. Gilmore was a scalawag?

Answer. He was, and had taken the boldest and most ultra ground against the southern white people, in a speech to the negroes.

Question. Did you hear it?

Answer. No, sir; but some gentleman brought me news of the speech, and on Saturday they were to register at Tompkinsville, and they requested that I should go and make a speech, and put things right. It rained that day, and I concluded to go there Tuesday, the day of the election. I got there about the time the polls were opened. Under the election laws of the State, no one can approach nearer than thirty feet of the polls, except he means to cast his vote. When I got there I saw no negroes anywhere. I asked some gentlemen if there were any negroes there; they told me they were around at a church, and that a large number of them had come in with arms and had stacked their arms there, and had congregated at that point. After I got there a squad came up in military form, with an officer at the head, and marched up in front of the polls, and halted and went in one at a time, and then went out and re-formed at another point. That continued until five successive squads were brought up and voted in that way. The white people were there and sat and looked on.

By Mr. BUCKLEY:

Question. Did the negroes interfere with anybody?

Answer. No, sir.

Question. Did they menace anybody?

Answer. No, sir; nor did the white people interfere with anybody until after the election was over, or until after they had voted. One negro came up and voted the democratic ticket, and he started out of town, and they started in pursuit of him and threatened to kill him. He came back to the gentleman with whom he was living, and told him he had been threatened, and remained there until the man with whom he was living went home, and he went with him.

Question. What had Robert Fullerlove to do with this?

Answer. He was in the crowd and was one of the leaders.

Question. Did you see him? Did you meet him?

Answer. I do not know him. They told me he was there.

Question. Who told you he was—the white people?

Answer. A man named Cannon told me so.

Question. How do you know he told you the truth?

Answer. I do not know; he is a truthful man.

By Mr. RICE:

Question. Did you ever hear anything against Robert Fullerlove before 1867?

Answer. I never heard of him prior to 1867.

By the CHAIRMAN:

Question. You never heard of him until he became a leader; not until the negroes were enfranchised?

Answer. I have heard a number of persons say he was a dangerous man in the community.

Question. Your present sheriff is a democrat, appointed by Governor Lindsay as a democrat?

Answer. Yes, sir.

Question. The laws have been very efficiently executed since that time?

Answer. Yes, sir.

Question. Do you know of any murders committed in your county since that time?

Answer. Yes, sir; but in a remote part of the county.

Question. Do you know any of the murderers that have been arrested and brought to justice?

Answer. Yes, sir; one of them is in jail now.

Question. A white or black man?

Answer. A colored man. He killed a colored man. He waylaid him on the road and killed him.

Question. Do you know of any white man that has been arrested and brought to justice, implicated in any murders since that time?

Answer. I do not know of any white man that has committed a murder there.

Question. Do you know of any whippings of negroes that have occurred since Meadow was appointed?

Answer. No, sir.

Question. Did you ever hear that Robert Fullerlove had been whipped and shot at?

Answer. I heard he had been shot at before that time, I think.

Question. Judge Hill is your present probate judge?

Answer. No, sir; I am the present probate judge. I succeeded Judge Hill; he resigned.

Question. Was Judge Hill a southern man?

Answer. Yes, sir.

Question. An Alabamian?

Answer. Yes, sir.

Question. Was he a radical?

Answer. Yes, sir, he was a radical. He was a democrat up to the time the reconstruction measures passed, and afterward he voted for Seymour and Blair.

Question. Was he appointed before or after he cast that vote?

Answer. Afterward.

Question. Was he a good officer?

Answer. Well, as far as he was capable, he discharged the duties very well. I practiced in his court. He was a man that knew very little about the business.

Question. An honest man?

Answer. He dispatched his business as fairly as any one could.

Question. A man of good character?

Answer. Yes, sir, he was a man of good character. He never had had any connection with the office, and of course he was very inefficient so far as qualification was concerned.

Question. His brother that was appointed treasurer was also a native of Alabama, was he not?

Answer. Yes, sir.

Question. Did you ever read the report of the grand jury you speak of?

Answer. Yes, sir.

Question. How thorough was that investigation of the committee of the grand jury?

Answer. It was as thorough as it possibly could be made.

Question. Were you one of the committee?

Answer. No, sir.

Question. Was the committee constituted of themselves?

Answer. Yes, sir.

Question. Is that the business of the grand jury—to institute these investigations?

Answer. Yes, sir, it is made their duty to investigate the condition of the county offices, bonds, &c.

Question. Were the records of the probate and circuit courts and the treasurer's office all kept in the same building?

Answer. The probate court there was a brick building with two rooms to it. The probate office was kept in one end of it, and the circuit clerk's office was kept in the other, and the county treasurer was acting as the deputy of the clerk of the circuit court, and he had the key of the probate office, his brother being absent at the time, and he had his record of his register's office in the clerk's office.

Question. Was that the bond you spoke of as being defective, the treasurer's bond?

Answer. No; I spoke of Gilmore, the superintendent, and the treasurer; the grand jury reported that that was insufficient.

Question. What was the trouble with the treasurer's bond?

Answer. The security was not sufficient, nor was the penalty large enough.

By Mr. RICE:

Question. How did it happen that the grand jury did not ascertain this fact prior to their going out of office?

Answer. They were not out of office, but in office when this occurred.

By the CHAIRMAN:

Question. Is it made their duty to inquire into the condition of the public bonds?

Answer. Yes, sir.

Question. At every session of court?

Answer. Yes, sir.

Question. Had they performed that duty in relation to the treasurer's bond before?

Answer. I believe they had reported on the bond before.

Question. How?

Answer. I think it was reported at the term before, perhaps, that it was sufficient, but they never investigated into the amount of his liabilities until this term of the grand jury, and when they ascertained the amount of the liabilities, they considered the penalty insufficient and the security insufficient. That bond was burned up.

Question. Why had they not reported on Gilmore's bond as insufficient?

Answer. They did not have anything to do with Gilmore's bond; that belonged to the State superintendent's department.

Question. What was the name of the tax-collector?

Answer. J. L. Dubrutz.

Question. Was he a southern man?

Answer. Yes, sir; he has been living a long time in the South. He came from North Carolina, I think.

Question. How did he derive his appointment?

Answer. From the governor.

Question. Which governor?

Answer. He first got his appointment from Governor Patton. The former tax-collector said that he was shot at, and a hole shot through his hat, and his horse throwed him against a log, and he was knocked senseless, and when he got up he was robbed of $5,000 or $6,000, and Dubrutz was on his bond. The securities got Dr. Dubrutz to take the appointment and collect all unfinished collections of the taxes, and the former tax-collector resigned. Dubrutz was appointed by Governor Patton and then was reappointed by Governor Smith.

Question. Was he a democrat?

Answer. No, sir. He traveled over the county there three years and collected taxes unmolested.

Question. Was it the duty of the grand jury to examine the tax-collector's bond?

Answer. Yes, sir.

Question. Why had that never been reported upon as insufficient?

Answer. That was not insufficient.

Question. I thought you said there was a defalcation of $2,700.

Answer. So there is. He resigned last spring before he had concluded collecting the taxes, and stated that he had settled up with the State and with the county treasurer; and after he left, and after his successor was appointed and they come to investigate the amount of liabilities, they found he was liable for about $2,700.

Question. Was it not the duty of the grand jury, in investigating the sufficiency of the bond, also to investigate as to the manner in which the officers had discharged their duties, and whether they were behind?

Answer. Well, no, sir. Yes; it is their duty to report any deficiencies; but they could not tell any deficiency of the tax-collector, because he had not completed the collection of the taxes.

Question. They could have ascertained the deficiencies in the treasury, could they not?

Answer. Yes; they did ascertain that by ascertaining the amount the collector had paid to him and that he had received from other sources; and that showed that he had failed to charge himself with three thousand six hundred and odd dollars that he had received and not accounted for.

Question. Is there anything in your constitution which prohibits a judge from also being a representative in the legislature?

Answer. Yes, sir.

Question. You say Luther R. Smith was a representative in the legislature at the same time he was judge?

Answer. He was elected, but did not serve. He was elected at the same time he was elected judge.

Question. I supposed you said he held both offices at the same time?

Answer. Well, he was elected to both offices at the same time, but never served as a representative. He made his election between the two offices—took one and resigned

the other. Foster, the senator there, has held two offices. That is prohibited under our constitution.

Question. Why was he not removed or indicted?

By Mr. RICE:

Question. He holds but the one?

Answer. Yes, sir.

Question. When he accepted the one did he not vacate the other?

Answer. Yes, sir; but when he accepted the probate office, he vacated it, and closed the probate office one month and served in the senate.

By the CHAIRMAN:

Question. Why was he not indicted?

Answer. The party in power connived at it.

Question. What party?

Answer. The radical party. The question of his eligibility was raised before the senate. They had a right to decide on the eligibility of the members. There was the constitution, which prohibited him from holding the office of probate judge and sit in the senate too, and the senate decided that he was qualified.

Question. Did that prevent your grand jury from indicting him for holding the office of probate judge while he was senator?

Answer. The grand jury did not do it; I do not know why.

Question. Is your grand jury composed, in the main, of democrats?

Answer. They are democrats and radicals together—mainly composed, until the last session of court, of whites and blacks.

Question. Have you enumerated all the murders committed in your county since the close of the war?

Answer. There was one murder or homicide committed last winter somewhere about ten or twelve miles below Butler—below Mount Sterling, in the river swamp.

Question. What case was that?

Answer. There was a negro, I do not know his name, who had been depredating upon the hogs, and the people had become incensed, and were watching him closely, and they heard a gun fired in the swamp, and it was supposed that some of them went out in pursuit, and the negro was found dead with a hog lying beside him in the swamp.

Question. Was it ever known who killed the negro?

Answer. No, sir.

Question. Was any attempt made to find out?

Answer. Yes, sir; there was inquiry made around there, but nobody could tell anything about it.

Question. Did the grand jury investigate it?

Answer. I suppose so. The investigations of the grand jury are all kept secret. Any one outside of the grand jury cannot know anything that transpires there at all.

Question. Are not your bills of indictment recorded?

Answer. Bills of indictment are recorded, but not made public until after the parties are arrested.

Question. You state that, after this boy who had been beaten and had said he was afraid to go before the grand jury—that Abe Lyon assembled some negroes, and said he would burn the town, and kill every one from the cradle up?

Answer. No; he said this: he said, he would go down, and if they were prevented or resisted in any way, that he would burn the town, and that he would join any party now and commence killing from the cradle up.

Question. Did you hear him say that?

Answer. I did not; that is the report.

Question. Who started these reports? Who heard him say that?

Answer. It is just common rumor in the neighborhood there.

Question. May it not be that common rumor lies?

Answer. It does frequently lie; that is true.

Question. Did you ever see a man that heard him say that?

Answer. No; for I never saw a man that had any conversation with him; that is, I never conversed with any man that had any.

Question. Do you give credit to all the rumors?

Answer. No, sir; I do not, but that is assigned as a reason why he was killed.

Question. He was killed, according to your opinion, for this speech he is represented as having made?

Answer. Yes, sir; that is my impression—that he was killed for that. I cannot believe that there is anybody in Choctaw killed for political opinions.

Question. But it so happened that he was a prominent leader?

Answer. No; he was not very prominent as a partisan. I never heard of his taking any active part as a partisan.

Question. You heard he was a radical?
Answer. O, yes, sir.
Question. How large was the crowd said to be that murdered him?
Answer. I heard it estimated at from fifteen to thirty persons.
Question. Did they visit him at night?
Answer. Yes, sir.
Question. Were they said to be disguised?
Answer. Yes, sir; it was reported that they were disguised.
Question. Of course they were armed?
Answer. I presume so.
Question. Did they shoot him, or hang him?
Answer. He was shot and had his throat cut.

By Mr. BUCKLEY:

Question. When was he killed?
Answer. He was killed some time in the summer?
Question. This last summer?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Under this democratic sheriff, who executes the laws so efficiently?
Answer. He executes the law when the matter is brought immediately before him. It is the duty of the sheriff, when he knows parties have been guilty of an offense, to go and arrest them without warrant. Inquiry was made generally where they lived, and who they were. No one could trace them to any point at all.
Question. Did the sheriff go and visit the spot where he was killed?
Answer. I do not know that he did; he was in the neighborhood.
Question. Did he hear of it soon after the crime was committed?
Answer. Yes, sir; it was reported directly afterward.
Question. What prevented the sheriff from raising a posse and going in pursuit of the murderers?
Answer. He went up to the neighborhood, and the neighbors had taken active steps to find out who they were, and they reported to him that they could not find out.
Question. How do you know what active steps they had taken?
Answer. They held a public meeting.
Question. When?
Answer. The next day after the murder.
Question. How large was that meeting?
Answer. It was merely at a very small place—a post-office and two stores, and half a dozen families.
Question. What resolutions did they adopt?
Answer. I never saw the resolutions. They determined, though, that they would prevent any violation of law, if possible, and that they would set their faces against anything of the sort; they were doing it as a matter of conscience in the first place, and then as a matter of interest.
Question. How many heads of families do you suppose there were to participate in the proceedings of that meeting?
Answer. I cannot tell.
Question. Do you think there were half a dozen?
Answer. I have no doubt there were.
Question. Were the resolutions published in the papers?
Answer. No, sir.
Question. Did they get upon the trail of these murderers?
Answer. Yes, sir; they followed the track some distance out.
Question. How far out?
Answer. I do not know.
Question. Did they lose the trail?
Answer. I do not know.
Question. Why did they not follow on as long as it was feasible?
Answer. I cannot tell why.
Question. Would there have been any difficulty in the sheriff raising a *posse*, if he had had a mind to do it, to follow on?
Answer. No, sir; none in the world.
Question. Suppose a prominent white citizen had been killed, do you not think a great hue and cry would have been raised and the murderers tracked?
Answer. I have no doubt they would have traced them up if they could.
Question. Do you think there was any practical difficulty in finding the murderers?
Answer. There was a prominent citizen killed near Butler, and the murderers were never arrested.
Question. Was he killed by a body of disguised men?
Answer. No, sir; he was killed at night.

Question. A private assassination?

Answer. A man named Thomas, an editor of a paper, and it was supposed he was killed by Judge Morris.

Question. Judge Morris and two others were put upon trial, were they not?

Answer. Yes, sir.

Question. And Judge Morris was acquitted, was he not?

Answer. Yes, sir; but the two prominent witnesses against him left the State soon after it occurred, and they never could get them here.

Question. Did not Judge Morris set up in his defense, and prove at the trial, that Thomas shot at him first?

Answer. I do not know what they proved on the trial; I investigated that matter myself.

Question. I ask what was proved on the trial?

Answer. I do not know; I was not present.

Question. Did you not understand that he showed on the trial that Thomas shot at him first?

Answer. Thomas shot before he was shot at. But the proof was that he shot at Gilmore and not at Morris.

Question. There was no difficulty, in that case, in finding out who killed Thomas, was there?

Answer. No, sir.

Question. I ask if a white man, a public man like Mr. Thomas, for example, had been murdered at night by a band of fifteen or twenty men, who came there on horseback, would there have been any difficulty, if the community had been so minded, in tracking the murderers and arresting one or more?

Answer. They would have had no more difficulty in doing that than they had in tracking Judge Morris. He remained in the county some time after this, and there was no effort made on the part of any of the people there to arrest him. It was looked upon, from the investigation before the coroner there, as a conspiracy between these three men.

Question. Why did not this peaceable, law-loving, and law-abiding community take measures to arrest them?

Answer. They supposed, to be candid with you, that the officers being all of Judge Morris's politics, they would do everything in the world to favor him, and the supposition was that this was a political quarrel between them, and that Morris had killed him because he had been writing some severe articles against him as a politician.

Question. Did they desist, then, from arresting these parties because they thought they could not be punished?

Answer. The impression, generally, was there, that the trial of Judge Morris would be a farce, and therefore there was no use in making an arrest.

Question. But it seemed he was indicted and arrested afterward?

Answer. He was indicted, but not arrested; he came and surrendered himself; but this indictment was obtained after these prominent witnesses had left the State.

Question. Do you say that was the reason your community did not interest themselves in having Mr. Morris indicted and prosecuted?

Answer. Yes, sir; that was; they would say, "There is no use in a trial, because he will not be convicted." That was the general expression there. It was supposed that no honest jury could be got there to convict him, if guilty. In the first place, they had no idea he would be tried there, and he was not tried there; he was taken to Mobile.

Question. Your law allows a change of venue?

Answer. Yes, sir; to the nearest adjoining county free from like exceptions. Just after this thing occurred, the legislature passed a law extending the right of change of venue to any county in the State.

Question. Do your citizens refrain from attempting to enforce the law in all cases, because of their belief that persons may not be convicted?

Answer. No, sir; they do not do it generally.

Question. The great majority of your white citizens there were democrats?

Answer. Yes, sir.

Question. And well disposed to have convicted Morris?

Answer. They were willing to see him have a fair trial.

Question. But they believed him to be guilty of murder?

Answer. Yes, sir—from all the investigation had there.

Question. There were enough democrats in the adjoining county, if he had got a change of venue, to have convicted him?

Answer. That was not the object, to get a jury of any political faith; the object was to have a fair trial; and when these witnesses disappeared, they saw there was no possible chance to convict him.

By Mr. RICE:

Question. Were these witnesses who disappeared friends of Morris or Thomas?

Answer. One of them was a partner of Thomas. He left Butler a few days after with the statement that he would be back in a few days; only be gone a week; he had to borrow funds to pay his expenses.

By the CHAIRMAN:

Question. Was he a democrat?

Answer. Yes, sir; but he was seen, a few days after he left, with a large roll of greenbacks; and he has never returned; and the supposition was that he had been paid to leave the county.

Question. Are the democrats down there so corruptible—the democratic editors?

Answer. He was a sort of printer; he was not an editor; Thomas was the editor.

By Mr. RICE:

Question. Who was the other witness?

Answer. The other witness was a shoemaker, who lived down there, who proved positively that the pistol he shot was aimed at Gilmore, and not at Morris. He left the State for Mississippi, too.

By the CHAIRMAN:

Question. Was he a democrat?

Answer. I do not know; he was a shoemaker named Baldwin; he had been there but a few days.

Question. You speak of the case of Rogers, another negro who was killed?

Answer. Yes, sir.

Question. Was he said to have been killed by a body of men after night?

Answer. He was killed after night. I think there were some several persons in company.

Question. Were they disguised?

Answer. My impression was that they were not disguised. It was reported that he had made an attempt to commit a rape on a white lady; in fact, I heard the day before he was killed that a negro had made such an attempt.

Question. If such an attempt had been made, was there any difficulty in convicting him of a felony in your court?

Answer. No, sir; not at all.

By Mr. BUCKLEY:

Question. What time did this take place?

Answer. I cannot remember dates; it was some time last winter, though.

By the CHAIRMAN:

Question. Has there been any attempt made to find out who killed him?

Answer. I do not think there has; at least, I know of none.

Question. You spoke of another negro—Ezell—who was killed, and no cause was assigned for his death.

Answer. I never heard of any cause; I merely heard of the killing; I do not know anything of the circumstances of his being killed.

Question. Did you understand he was killed by a body of men?

Answer. Yes, sir; I heard he was killed by a body of men.

Question. At his house, at night?

Answer. I do not know where he was killed; it was at night; I do not know whether he was killed at his house, or where.

Question. How long ago was that?

Answer. That was some time last spring.

Question. Last April or May?

Answer. I cannot tell; I think it was before that time, probably.

Question. Have you ever heard of any efforts being made to discover the murderer?

Answer. I have not.

Question. You spoke of Lem. Campbell as having been killed; was he a negro?

Answer. Yes, sir.

Question. When did his murder take place?

Answer. I do not remember when he was killed. I know the people in the neighborhood where it occurred were very much incensed. The negroes became very much alarmed in the neighborhood, and they had great difficulty in quieting their fears; and they have pledged their protection to them there.

Question. Did it occur about the same time that Ezell and Rogers were killed?

Answer. I cannot remember; it was subsequent to the killing of Ezell and Rogers, I think.

Question. That would make it some time last spring or early summer?

Answer. Yes, sir.

Question. Did you understand what were the circumstances of his killing?

Answer. No, sir; I did not.

Question. Was it said to have been done by a disguised band after night?

Answer. I think it was. These things all occurred at some distance from where I lived. I only hear the report as it comes in.

Question. What efforts, if any, have been made to discover the murderers?

Answer. I do not know what efforts have been made to discover them. I know there was an effort made, and is being made now, by the people there to give protection to the negroes. They do it as a matter of right and justice to them, and then as a matter of interest to the country. If these things are not broken up, the labor system of the country will be broken up.

Question. When did I understand you to say it was that you heard of a body of men that was organized trying to discover these murderers and stop these outrages?

Answer. Yesterday.

Question. How large a body of men did you understand it was?

Answer. The gentleman who met them told me he supposed there were about forty or fifty.

Question. Embracing the best citizens?

Answer. The best citizens of this county. They were in this county, but it is between this and Choctaw.

Question. When did you understand that this organization was gotten up?

Answer. It is just a meeting of the citizens there.

Question. Recently taken place?

Answer. Yes, sir; I understand that there are some men down there who have been inducing the negroes to steal cotton and corn. They have a little whisky at the cross-roads, a place to bring it in to them, and those negroes they can't control, when they have it in their power to do it, they take them out and whip them severely. They say certain white men shall not hire negroes. They tell the negroes, say here is a negro—they tell a negro, "You shall not hire to a certain white man." The man will go to one of these men and say, "I want so many hands, and I will give you so much to furnish me so many hands;" and then they will threaten the negroes that unless they hire to this man they shall not stay in the neighborhood, or they will punish them. It is to break up this organization, and stop the demoralization among the negroes and all these bad white men who are doing it, not for politics, but gain, that this organization has taken place among the people; and they were in pursuit of these men, and they said they intended to warn them that this thing had to stop.

Question. How did they know who these men were?

Answer. I do not know but they had got intimations in some way, so they could identify some of them, and they intended to warn them that they must desist from that course or they could not stay in the State.

Question. Are the men they are after supposed to be men mixed up in these murders you have spoken of?

Answer. I do not know. It is only for the offenses they have been committing in the neighborhood there, on the negroes, demoralizing the negroes, inducing them to steal, and controlling them, and where they could not control them, taking them out and punishing them.

Question. Their object, then, was not to pursue and arrest men who have been engaged in perpetrating these outrages, but to put a stop to the operations of men who had been interfering with their interests?

Answer. Yes, sir; interfering with the morality of the negroes, and punishing others there.

Question. Their jurisdiction, then, would not embrace the discovery and punishing of men who are inflicting these whippings and murders on negroes?

Answer. I do not know how far their jurisdiction extends. That was what was intimated to me by a gentleman who talked to them upon the subject; their object was to have law and order in the country, and preserve the morals of the country.

Question. Now, if they could discover the men who interfered with the negroes, and created these demoralizations, could they not just as easily discover the men who inflicted these outrages upon the negroes?

Answer. The old saying is that "dead men don't tell stories." I suppose the dead negroes cannot communicate who their murderers are; but a negro who is whipped can; and I suppose other negroes that have got the information can.

Question. Have you known any white man who has been punished for being concerned in the whipping of negroes?

Answer. I have not.

Question. Have you known of any white man being punished for being concerned in these raids in which negroes have been killed?

Answer. I have not.

Question. Do you not consider it rather a reproach upon your county that so many murders and outrages could have taken place?

Answer. I do consider it a reproach, and the people of Choctaw County are very much incensed at it; they regret it exceedingly, and would do anything in their power to

arrest it if they knew how to do it; but when we cannot tell who the perpetrators are, we cannot reach them.

Question. Do they suppose that there is a secret body of men who are bound together by oaths?

Answer. No, sir; I do not think there is any secret organization in Choctaw County.

Question. The organization is such a close concern that their secrets have not been penetrated as yet, have they?

Answer. No, sir; those parties engaged in it may commit outrages.

Question. How do you know they do not belong to an oath-bound organization?

Answer. I do not know anything about that; but I am satisfied there is not a secret organization gotten up there for the purpose of manipulating the negro, or controlling him, or doing violence to him, or anybody else.

Question. But these are secret organizations that kill the negroes and whip them, are they not?

Answer. Well, they go secretly to work to do it; whether it is a regular organization, or whether they band themselves together for that special occasion, I cannot tell.

Question. If the community knew nothing about who compose them, or what their purposes are, would you not infer it was a secret organization?

Answer. I should suppose they were, as they are doing their work secretly. Nobody can tell where they come from, or live, or anything about it.

Question. Do they suppose they belong to Choctaw County?

Answer. I think the supposition is that some, may be, live in Choctaw County, and some elsewhere.

Question. Are these bands supposed to be composed of young men?

Answer. They cannot tell whether they are young men, or old men, or all white men, or all negroes. There were some negroes in the crowd that killed Abe Lyon.

Question. How do you know?

Answer. That is what is reported. The wife of Abe Lyon said there were some there.

Question. Do the white people of your county confederate with negroes in getting up secret organizations of this kind?

Answer. No, sir.

Question. Would you not think it a little improbable, from the knowledge you have of the sentiment of the white people of your county, that they would go upon an enterprise of this kind in company with negroes?

Answer. I do not think any respectable white man would do anything of that sort, sir.

Question. Does it not look a little improbable to you that that crowd should be a mixed crowd of whites and negroes?

Answer. I do not know whether it is improbable or not. I only speak from information that I have derived from other sources, without giving any opinion about it myself.

Question. Is your information derived from persons that saw the crowd?

Answer. Some few of the crowd were seen by some of the parties who gave me the information.

Question. Where were they seen?

Answer. At De Sotoville.

Question. How far was that from where Abe Lyon was murdered?

Answer. Only a short distance.

Question. Were they seen in their disguises?

Answer. Yes, sir.

Question. Were they known?

Answer. No, sir.

By Mr. RICE:

Question. Were any negroes seen with them?

Answer. Only two were seen. I do not know whether the negroes were among them or not. All the information we got at all that there were negroes mixed up in it is from the negroes themselves. Abe Lyon's wife said there were negroes mixed up in the crowd—that she knew there were some negroes in it.

By Mr. BUCKLEY:

Question. Did she say she knew they were negroes?

Answer. That is what I understood.

By the CHAIRMAN:

Question. You never conversed with her?

Answer. No, sir; but that is what I understood she said—that there were some negroes in the crowd.

Question. Were they seen at De Sotoville after or before the murder?

Answer. Before the murder.

Question. You speak about some democratic negroes being mobbed there, or about

their being mobbed by other negroes. How many democratic negroes have you in Choctaw County?

Answer. In the presidential election there were sixty-two voted the democratic ticket.

Question. And last fall how many voted it?

Answer. Well, sir, we did not take an account of the number last fall; about the same number, though, I suppose. The negroes have voted pretty generally there as a unit for the radical party, and no effort has ever been made to change their vote except by argument.

Question. How do you know that?

Answer. I have been engaged in canvassing there myself, and so far as my information goes there never has been a threat.

Question. Is it not quite possible that there may have been other persons canvassing not as scrupulous as you were?

Answer. I do not know; I was with most of the canvassers and heard speeches.

Question. How do you know what the employers said?

Answer. I do not know about that. I heard a number of the employers say they could vote as they pleased.

Question. A man who would intimidate a negro would not be apt to confess it to you, would he, judge?

Answer. I do not know. In the first election for delegates to the convention under the reconstruction act, there were threats made by persons who had them employed, that if they voted the radical ticket they would turn them off. That was at the election of delegates to the convention.

Question. In 1867?

Answer. Yes, sir; in 1867. After that election and when the election took place upon the adoption of the constitution, and for State officers, there were never any threats of that kind made in my county.

Question. That you heard of? You do not pretend to say there might not have been a thousand threats made that you never heard of?

Answer. There might have been threats made that I never heard of, but I was in contact with the people, and saw the leading men of the county constantly; and they remarked that if they could not control the negroes by convincing them that it was their interest to vote with the democratic party, that they could go as they chose.

Question. There may have been a thousand instances of influences that never would come to your knowledge?

Answer. Yes, sir.

Question. And do you think it probable that a man who would menace a negro with punishment or loss of employment would ever confess that fact to you?

Answer. Yes, sir; I think they would.

Question. You think a man would make confession to you that he had perpetrated such an outrage upon a negro?

Answer. Yes, sir; I think they would have no hesitation in speaking of it.

Question. You would regard it as very dishonorable and very unjust, would you not?

Answer. I should think it was not the proper course to control them, and not the course I pursued.

Question. The black voters in your county preponderate, do they not?

Answer. No, sir; we have a white majority there.

Question. I notice that the census of 1870 shows that Choctaw contains 5,862 whites and 6,872 blacks. How does that happen?

Answer. The black vote does preponderate; but there are more registered whites than there are blacks.

Question. More registered white voters? Then the blacks are not all registered?

Answer. I suppose they are all registered. A great many register under twenty.

Question. You suppose so?

Answer. I know it.

Question. How?

Answer. I saw them register.

Question. How do you know their age?

Answer. I saw the men that raised them, and they said they were not over 16 years of age.

Question. Who registered a minor?

Answer. The managers at each of the election precincts.

Question. What officer ever registered a minor?

Answer. I do not know. Judge Hill was judge of the probate court. I do not know that he ever registered a minor; but under the election laws of Alabama you can go to the polls and register and vote, and the managers at the different precincts have the right to register as they vote. There is another provision in the election laws of Alabama which makes it a penal offense to challenge a voter.

By Mr. BUCKLEY:

Question. Is there not a heavy penalty fixed for false registering?

Answer. Yes, sir; there is a penalty.

Question. Then if you have minors who have registered can you not very easily proceed under the law against them?

Answer. Yes, sir; they could proceed.

Question. And send them to the penitentiary?

Answer. They did proceed in the Mobile municipal election.

By the CHAIRMAN:

Question. Is it not a little difficult to discover whether a negro is over or under twenty-one at that period of his life?

Answer. Not more so than a white person.

Question. Is there any record of the births of negroes?

Answer. A great many of them kept a record.

Question. As far back as slavery times?

Answer. Yes, sir; I used to keep a record of the births of the negroes I raised.

Question. You say these Ku-Klux notices were posted up on the court-house?

Answer. Yes, sir.

Question. And the judge showed the bar a Ku-Klux letter he had received?

Answer. No; it was one of those notices—the same notice.

Question. Was it the same judge whose mill and gin were burned?

Answer. No, sir: that was Judge J. Q. Smith.

Question. Who was holding the court then?

Answer. Yes, sir, for Judge L. R. Smith.

Question. You do not know, of course, who put up those notices?

Answer. No, sir; three men were seen at the court-house door.

Question. Were there any devices or insignia on those notices?

Answer. No, sir; none at all.

Question. Are colored schools taught throughout the county?

Answer. Yes, sir; there is one at Butler, with seventy-odd scholars, and one near Mount Sterling, near my residence, with seventy-odd scholars. They are taught by white men in this country.

Question. Did you ever hear of any colored school-houses being burned?

Answer. I heard of a church used for a school-house up in the neighborhood of Tompkinsville. That was before the election last year. I heard it there reported that it was burned by the radicals.

Question. The radicals bear a great many sins down there?

Answer. They bear a good many sins.

Question. You have given us a good many statements of what was reported. Who reported that, and how reliable was he?

Answer. They did not say. It was a mere suspicion on the part of the white people of the neighborhood there, and that suspicion was founded upon this: There was a division among the negroes at that time as to how they were going to vote, and the supposition was that in order to rally the negroes to get them congregated these houses were burned, so as to incense the negroes against the democrats.

Question. Who got up that charge?

Answer. I cannot tell any one that got it up; that is the rumor I heard circulated

Question. You never heard that it was done by the Ku-Klux?

Answer. I heard Judge Hill charged with it, as one.

Question. Your probate judge?

Answer. Yes, sir.

Question. That he set fire to school-houses?

Answer. Yes, sir; I told him of it and he denied it. I did not believe it at the time; but he was charged.

Question. If a false report was raised on Judge Hill, it is likely there is a false report raised on the radicals?

Answer. Very possibly there was.

Question. My question is whether you ever heard that the Ku-Klux Klan did it?

Answer. No, sir.

Question. Did you ever hear that the democrats did it?

Answer. No, sir.

Question. Did you ever hear that the democrats were opposed to colored schools?

Answer. No, sir.

Question. Did you ever hear that democrats were opposed to negroes voting?

Answer. Yes, sir; I have heard that they were opposed to their voting; not opposed to their voting now, but opposed to extending the right to the negroes to vote.

Question. Are they all reconciled to it now?

Answer. Yes, [no,] sir; for the reason that they are not educated, and do not know anything of the system of our Government; they would go and vote without knowing who they voted for. I have asked a number of negroes, when they came from election,

who they voted for to-day; and they have answered "I don't know." I would ask them, "Have you voted?" They would answer, "Yes, sir; they give me the paper."

Question. There would be no objection to the negroes voting if they all voted the democratic ticket?

Answer. Yes, sir; they would object to it, if they voted the democratic ticket.

Question. You think the same opposition would then exist to the negro voting that exists now?

Answer. Yes, sir.

Question. It would make no difference?

Answer. No, sir.

Question. Founded upon the principle that they are not competent?

Answer. Yes, sir; they are not competent, unless they permit them to vote by qualification.

Question. Do your people pay the taxes for the education of the negro freely?

Answer. Yes, sir; certainly.

Question. No grumbling on that account?

Answer. None; no, sir. In fact, the people are very anxious to see them educated, and think it will make better citizens of them. And they think if they were educated they could investigate political questions, and there would be more democrats among them.

Question. So they are favoring common schools in the expectation of making better democrats of them?

Answer. Not that, particularly; but better citizens, better men of them.

Question. And in making better men, they will become democrats?

Answer. I think as they become more enlightened they will become better democrats.

Question. You say you can hardly think Judge Smith's mill was burned for political causes; why can you not think so, if he was a prominent radical, or had used such influences?

Answer. It is very possible that it was burned for that, but I can't say it was.

Question. Did you ever hear a report that it was burned for political reasons?

Answer. Yes, sir; I have heard it said that if he was not such a radical it would not have been burned, but I have no idea that that was done by any organized band in Choctaw County, nor have I any idea that any good citizen of Choctaw County would support or countenance anything of the sort.

Question. You do not believe there has ever existed any such organization as the Ku-Klux Klan, do you?

Answer. I suppose it has existed somewhere in the country.

Question. You do not believe it has existed in Alabama, do you?

Answer. I have no knowledge of its existing in Alabama.

Question. You have no information of its existing here?

Answer. None at all.

Question. You have heard no reasons why you should believe it ever existed in Alabama?

Answer. No, sir; none at all.

Question. The democrats all deny its existence, do they not?

Answer. I do not know whether they all deny its existence or not; I know there is no such an organization in Choctaw County.

Question. You think you would have known it if it had been there?

Answer. I think I should.

Question. You do not know of any organization of that kind in your county?

Answer. None, except the League.

Question. You do know of its existence?

Answer. Yes, sir.

Question. You know its obligation?

Answer. No; I do not.

Question. How do you know its existence?

Answer. I have heard it from so many sources, and from men who have been in the Loyal League, and have since come out and joined the democrats.

Question. From the same sources of information, you say you do not know that any such organization as the Ku-Klux Klan had existed?

Answer. Yes, sir; from the same sources, I do not know that.

Question. You never heard any reliable man say it did exist?

Answer. No, sir.

Question. And yet you do not doubt there have appeared, at various times, in your county bands of men disguised, whose mission was violence?

Answer. There have been some bands of men have come in there for violence.

By Mr. BUCKLEY:

Question. Do you know any reason why the probate office was closed at the time you spoke of?

Answer. I do not, sir. I do not think there was any reason for it at all.

Question. Had you ever heard that Judge Hill had received a notice from a band of disguised persons calling upon him to resign his office?

Answer. I know he received a notice. I do not know whether it was from an individual, or a band of disguised persons; he received the notice requesting him to resign his office.

Question. Did you ever hear that after that he was shot in the arm?

Answer. Yes, sir; I saw the wound, and he told me the circumstances.

Question. Did you ever hear, after that, that he received another letter calling upon him to resign his office, and that they stated in the letter that they had warned him once, and shot him once, and that they had warned him again, and for the last time?

Answer. Yes, sir; I think that was about the purport of the notice.

Question. Was it after this that he closed his office?

Answer. Yes, sir.

Question. And went into the country?

Answer. Yes, sir.

Question. Had not the sheriff resigned at the time the office was closed?

Answer. The sheriff resigned the day he closed his office.

Question. So he went into the country?

Answer. The sheriff went home, and left court, twenty miles off.

Question. Did you ever hear that those officers left that town and went home to save their lives?

Answer. I did not. I have no doubt Judge Hill was apprehensive that he would be dealt violently with. I believe he thought so.

Question. Do you not think he had reason to think so?

Answer. He had, of course, some reason to think so, but there was but one man, so far as known, engaged in shooting Judge Hill, and he was not disguised; it was in day-time.

Question. He was in ambush?

Answer. He was lying behind a fence, about twenty steps from the road, when he shot at him—fired, got up, and walked off.

Question. Were you present in Butler at the session of the last circuit court?

Answer. I was, every day.

Question. Did you hear any disturbance about the court-house during the session of court?

Answer. No, sir; there was no disturbance about the court-house this last court.

Question. Did you ever hear any reason assigned for the sheriff resigning?

Answer. That was last spring you mean? We had a court recently.

Question. I mean the last spring term.

Answer. He had intended to resign before the court met, but we prevailed upon him not to do so, and he continued to hold the court up to Wednesday morning of the second week; on Tuesday evening, late in the evening, there were some two or three drunken persons about a grocery, about one hundred yards off, got to hallooing and making a noise, and Judge Smith sent him out to stop that noise, and he went out and came back, and in a few minutes it commenced again, and he told him to go and stop it and bring the parties before the court; and he summoned two or three persons to go, and among the persons summoned was Aleck Hill; and one of these parties had some enmity against Hill, not growing out of politics, and he told Hill if he came there to interfere with him he would catch a thrashing. About the time they were parleying there the court adjourned; the hour of adjournment, five o'clock in the evening, had arrived, and the sheriff returned then; and next morning he came in with his resignation. There was no effort made to intimidate the sheriff, except by this man, whose name I do not know; but he remarked to Aleck Hill, "You can't come to arrest me, and you know that very well;" and while they were there, and before they did make the arrest, the court adjourned at its regular hour, and they went off; and he brought in his resignation the next morning.

Question. It is in testimony, page 103, "The day the sheriff handed in his resignation, on the Wednesday morning of the second week, the people there had a meeting. A part of them were in favor of calling upon all the officers—the republican or radical officers—to resign."

Answer. I will explain that now. I know all about that. This meeting was arranged before the organization of the court. They intended to call a meeting during the court there for the purpose of taking the sense of the meeting whether they should hold a convention of the people of the county with a view of passing resolutions asking the officers to resign. They intended to put that off to the last court there, so as to not have anything of the sort to interfere with the court; and as the court adjourned that day, they called the meeting that day. The meeting was a pretty large one, and they passed a resolution at that meeting appointing a day to hold a county convention for the purpose of taking the sense of the people of the county upon the propriety of asking them to resign, and requested the different precincts to hold their primary meetings

and send delegates to it. They sent their delegates. There was a very full attendance at the meeting, some three weeks after the adjournment of the court. At that meeting they passed the resolutions. In the first resolution they set out that they were in favor of law and order, and were opposed to any violation of law; and then they went on to pass resolutions that, inasmuch as these officers held their offices, not by a choice of the vote of the people there, but against the will of the people, they requested them respectfully to resign, using no threats at all. The reason for that was, they were not in there by the will of the citizens. Under the reconstruction laws that were passed it required a majority of all the registered voters to adopt the constitution. When the constitution was passed by the convention, and the day appointed to vote upon its adoption, the executive committee at Montgomery published a notice requesting all persons in the State who were opposed to the adoption of the constitution not to vote at all; that it was, in effect, voting against it. They were electing the different officers at the same time. The consequence was that when the election came on there was no opposition to them, because those opposed to them did not vote. They were elected in that way. The constitution was adopted by about 8,000votes in the State—that is, they lacked about 8,000 of getting a majority of the registered voters of Alabama. Congress afterward, though, adopted the constitution, and that then placed all these officers in office—that is, by act of Congress they placed them in office under the election that had taken place.

Question. But not one of these county officers were the ones that had been elected, but all had been appointed?

Answer. Alston had been elected.

Question. Neither the judge of probate nor sheriff were officers elected?

Answer. No, sir; they had been appointed; but they wanted the people to have an opportunity of voting for these officers.

Question. That is the reason you wanted to get rid of them?

Answer. That is the reason the people wanted to get rid of them. I did not go into this meeting, or any other meeting.

Question. Did you not call on the judge?

Answer. Yes, sir; I was in the first meeting. The members of the bar held a meeting after the adjournment of the court. They supposed that there might be some excitement created by this band of negroes coming down from Butler; that the people might pass some very rash resolutions. The members of the bar determined to go into that meeting and prevent any rash measures, and the course adopted was that suggested by the members of the bar—not to take any action then, but to submit the question to the people, and let the people decide upon it. The members of the bar did not go into the second meeting at all. They had nothing to do with that.

Question. But before the time of the adjourned meeting, on the first Saturday in May, your probate judge resigned, did he not?

Answer. Yes, sir.

Question. To save his life?

Answer. I do not know whether he did it to save his life or not. He resigned.

Question. He resigned because he was in danger?

Answer. I suppose that influenced him.

Question. He resigned before that meeting, and then you received the appointment?

Answer. I got the appointment.

Question. At the time you sent in your petition to Congress to remove your disabilities, did you suppose you had disabilities resting on you?

Answer. No, sir; I was satisfied I had no disabilities; but at the solicitation of some friends I met at Washington. They told me it might give me some trouble if I got an office there, and proved these things, and I had better do it. Mr. Bond drew up my petition and asked me to sign it, and I did so. Judge Elliott recommended it, and Judge Bond signed it at Washington. I believe he did. I did not know Senator Spencer at all. It was sent to him. In fact I did not know exactly what constituted political disabilities when I sent in my petition; but I am satisfied I never have done anything to forfeit my right to citizenship in any way.

Question. Had you ever given aid or comfort to the rebellion?

Answer. Never in any way at all. I paid my taxes regularly as they demanded them of me.

By the CHAIRMAN:

Question. Your own appointment is acceptable to the democratic party in Choctaw County?

Answer. Yes, sir.

Question. Since you have affiliated with that party all feeling against you, growing out of your course during the war, has disappeared?

Answer. Yes, sir; well, I was a quiet and peaceable citizen on my plantation there.

Question. Were you interfered with on account of your known sentiments during the war?

Answer. No, sir; they threatened to come and pull up my cotton when I was making cotton there.

Question. Your neighbors?

Answer. Yes, sir.

Question. I wish to ask you a few more questions in relation to this Ku-Klux Klan. Did you ever hear that they were bound together by a particular obligation?

Answer. Well, I have heard of organizations that were bound together by an obligation.

Question. Did you ever hear of this Ku-Klux Klan being bound together by an obligation?

Answer. Yes, I have heard of their being bound together.

Question. Did you ever hear that, among other things, they swore they would obey all calls and summonses of the chief of their company or brotherhood, should it be in their power to do so?

Answer. No, sir.

Question. Did you ever hear that it was a part of their obligation that, should any member of the brotherhood, or their families, be in danger, they were to inform them of their danger, and, if necessary, go to their assistance, and that they should oppose all radicals and negroes in all their political designs; and that, should any radical or negro impose on, abuse, or injure any member of the brotherhood, they should assist in punishing him in any manner the company might direct?

Answer. No, sir.

Question. Did you never hear that these were parts of the obligation?

Answer. No, sir.

Question. What was the character of the obligation you understood the members of the Ku-Klux Klan took?

Answer. I heard there was a political organization that was called the Ku-Klux there; that their object was to protect the white people against the aggressions of the negroes. Now, I never heard that it was an organization got up for an unlawful purpose.

Question. Where did you hear that that organization existed?

Answer. I heard that it existed in Tennessee more than in any other State.

Question. Did you ever hear that such an organization existed in Alabama?

Answer. Yes, sir; I have heard that it existed in some parts of Alabama.

Question. In what part of it?

Answer. I don't know; I have heard it was in Alabama.

Question. Have you heard that it existed in Sumter County?

Answer. Yes, sir; and I have heard that there were some instances of that sort in Choctaw County; but there has never been anything of the sort for years.

Question. Did you ever hear that it existed in Greene County?

Answer. I don't know that I did.

Question. Did you ever hear that it existed across the line in Mississippi?

Answer. Yes, sir; I did.

Question. Did you ever hear that it existed in Marengo County?

Answer. Yes, sir.

Question. You say you understood its obligation was to protect the whites from the negroes?

Answer. Yes, sir; and to preserve law and order in the country.

Question. Did you understand how they were to preserve law and order?

Answer. No, sir.

Question. Did you understand it was to be done by whipping or murdering negroes?

Answer. No, sir; just the contrary.

Question. How did you understand the whites were to be protected—through what instrumentality?

Answer. I don't know.

Question. If you heard anything of it, you must have heard of the methods by which this order was to protect the whites.

Answer. It was to see that the laws were rigidly enforced.

Question. How were they to do it?

Answer. To see that offenders were punished whenever they violated the law.

Question. How were they to punish them?

Answer. Through the courts of the country.

Question. They were to bring them before the courts of the country?

Answer. Yes, sir.

Question. Where was the necessity of it?

Answer. I have not heard of an instance, I think, for years.

Question. Where was the necessity for a secret oath-bound organization for bringing offenders before the courts?

Answer. What is everybody's business is nobody's business. Where there is a community and one person has maltreated another, the community look to him to

take care of his own wrongs; but where there is such an organization, the community will act in concert and defend the law.

Question. They were to act in concert when the law was violated, to see that the violator was punished?

Answer. Yes, sir.

Question. To do this by peaceable methods?

Answer. Yes, sir.

Question. They were to discover the evidence and go before the grand jury with it?

Answer. I suppose so; to hunt up the evidence and seek out the offenders, and bring them to justice.

Question. Was it your understanding that these raids that have been made after night were in consummation of this purpose?

Answer. No, sir; just the contrary.

Question. You have understood that these were departures from the true obligation?

Answer. I have no idea that they ever belonged to an organization of that sort. They have taken advantage of this organization to combine themselves together for the purpose of doing that which the other organizations intended to prohibit.

By Mr. RICE:

Question. Have you ever heard of the organization doing anything to carry out the objects for which you say it was organized?

Answer. I do not think that I have.

By the CHAIRMAN:

Question. I was about to ask whether you have noticed, observed, or heard of, any manifestations of the existence of these objects or purposes in any organization in any part of the State, by their bringing before the grand jury evidence of the commission of crime?

Answer. I have not heard of any case of that sort; but soon after it was believed that this organization was formed in the State there was a bill passed in the legislature making it a penal offense for any one to belong to a secret organization, and I understood that these organizations were all disbanded.

Question. The Ku-Klux organizations?

Answer. Yes, sir; they were disbanded after the passage of that law.

Question. Did you understand that they were known under the name of Ku-Klux Klan; that they had adopted that name?

Answer. I heard them called that.

Question. I understand you to say that there have been a great many outrages committed by men banded together or disguised since the passage of this State law?

Answer. There have been some outrages committed by what was called Ku-Klux afterwards, but I have no idea it was under this organization that existed before.

Question. You think it was a spurious organization?

Answer. It is got up with the name of that former organization. I have understood that that former organization was disbanded all through the State.

Question. Whom did you understand that from?

Answer. From a number of persons.

Question. From those you thought were informed on that subject?

Answer. I suppose they were informed on that subject.

Question. Will you give the committee their names?

Answer. I could not, because it has been several years since the organization was broken up.

Question. Did you ever get that information from any one who had been a member of it?

Answer. No, sir; not that I knew.

Question. Did you not hear any one admit that he had been a member of that himself?

Answer. I do not know that I did.

Question. Will you tax your recollection?

Answer. I give you my recollection, as far as I can.

Question. I repeat the question: have you ever heard any one whom you have good reason to suspect to have belonged to that organization speak of its purposes and objects?

Answer. No; I do not know as I have.

Question. Then how did you know the members' objects of that order?

Answer. From just common rumor.

Question. How did that common rumor arise?

Answer. I suppose it came out from some source.

Question. Do you think you know what were the purposes of the Ku-Klux Klan as well as you know the purposes of the "Loyal League?"

Answer. No, sir.

Question. Why not?

Answer. I do not know the purposes of either, except as far as I have heard them. Now this "Loyal League" there is for the purpose of keeping up the organization of the radical party.

Question. How do you know?

Answer. That is what they say.

Question. Who says?

Answer. A man named Shoemaker, who was a member of the "League."

Question. How do you know that?

Answer. He came out, and now professes to be a democrat, and says that was the object.

Question. How do you know he was a member?

Answer. He says so, himself; I take it from his word; I don't suppose he would lie about it.

Question. Have you ever heard any one who was a member of the Ku-Klux Klan speak in the same way of what its objects were?

Answer. No, sir.

Question. They keep their secrets closely?

Answer. Yes, sir; they keep them closely. I have heard it said that they were charged with being persons who would go around and commit depredations, &c., and I have heard it denied that that was the object at all; and, when they were first organized, that they were spirits that came out of the grave-yards, and floated up in the air, as I heard.

Question. Did you ever see one with a disguise on?

Answer. No, sir.

Question. Did you ever talk with a man that had?

Answer. No, sir.

Question. Ever talk with a man that had seen them?

Answer. No, sir.

By Mr. BLAIR:

Question. Did you take the testimony in regard to the murder of Thomas, by Morris and Gilmore?

Answer. I did, sir.

Question. Were you acting as an attorney?

Answer. I was acting as coroner at the time. I was justice of the peace. I held an inquest over the body of Thomas, and acted as coroner.

Question. What did the jury find?

Answer. The finding of the jury was that he had come to his death from gun-shot wounds, from the hands of Morris and Gilmore, and a man by the name of Armfield.

Question. Did this testimony which was taken before you show clearly and distinctly that Morris had killed him?

Answer. Yes, sir.

Question. Was there any pretext of self-defence in the matter?

Answer. I can detail the circumstances in a very few minutes. Morris, Gilmore, and this man Armfield were in Morris's office that evening, and were a good deal excited with liquor. My office was immediately by it, about ten feet between them. They kept up a good deal of noise. I left Butler about an hour by sun. Morris, Gilmore, and Armfield about sundown went over to a grocery and took a drink, and Armfield went across to another grocery, under the office of Thomas, which was up stairs, and about dusk he came down stairs, and there was a man that was very much intoxicated there, that had stopped at the hotel of the brother-in-law of Thomas, and Thomas's brother-in-law asked him to assist him down to the hotel. He got him down there, and he had a pistol, and Thomas took the pistol off of him to take care of it, and he and O'Neil, his partner, started to his house. It was getting about dark. Armfield met him on the road, and charged him with insulting him and saying certain things about him. He denied it, and they got into an altercation. Morris and Gilmore went into the grocery about the time the altercation took place, and there was a young man loading a gun there that belonged to Morris. He looked at the shot and says, "These shot are too small." He went off to his house and got some larger shot, and came up, and he and Gilmore started down street, past Thomas and this man Armfield. Morris, with the gun on his shoulder, passed on immediately, and then cut across to the public square, just opposite to them, and came back there and walked up, and as they got up near the place Morris threw his gun around in this position, [illustrating,] presenting arms. O'Neil remarked, "Morris, don't shoot me; I am not armed." That attracted Thomas's attention to him. He turned around and observed, "Am I surrounded by the whole radical party?" Says he, "Come up to the corner and we can settle this matter." He started, walked up street, and Armfield started after him. Morris and Gilmore started diagonally across the street. Thomas got up to the corner here, [illustrating,] Gilmore stopped here, and Morris walked up opposite to where Thomas

was standing, and Thomas and Gilmore got into an altercation, a quarrel, and Gilmore gave him the damned lie, and as he gave him the damned lie he fired a pistol.

By Mr. RICE:

Question. Who did?

Answer. Thomas. There was a gentleman named Baldwin came walking up behind Thomas at the time the pistol was fired, and was within six or eight steps of him; Baldwin was behind Thomas, and he swears that the pistol was fired down the street, in the direction of Gilmore. Morris and Thomas hadn't exchanged any words at the time. Morris, in about a minute after the firing began there, fired at Thomas. Thomas exclaimed, "Morris, you have killed me." He wheeled, and one of the witnesses says he said, "Gilmore, let's go; I've cleared this town of one damned pest." That was the testimony, now, in substance, that was given in by the witnesses.

Question. Morris was not present at that examination?

Answer. No, sir; he wasn't present.

By Mr. BLAIR:

Question. Was that the testimony on which he was arrested and committed?

Answer. He was not arrested at all. He remained in the county some time. He didn't go publicly about, though it was known he was in the county. He was not arrested until after the court in September. They found a bill against him. He then made an appointment to meet the sheriff at Demopolis, at the meeting of the chancery court there in December, and surrender himself. Chancellor Dillard, without having the witnesses before him, admitted him to bail.

Question. At his trial, you say, the two most important witnesses did not appear?

Answer. No, sir; they were not there.

By the CHAIRMAN:

Question. Have you any information whether any fund was ever raised, or attempted to be raised, in Choctaw County or elsewhere, to defray the expenses of a secret order of men organized, or to be organized, to correct certain grievances, or what were esteemed grievances by the community?

Answer. I have not. I don't believe there was.

Question. Do you know of any case where a horse, saddle, bridle, pistol, gun, mask, or disguise of any kind, was hired, borrowed, or procured, for the purpose of being used in an adventure of men banded together for any secret enterprise, or where you suspected those articles, or any of them, were to be used for such a purpose?

Answer. None in the world. I don't believe there was such an organization there.

Question. You have spoken in half a dozen places of where there were bands of men together that were disguised.

Answer. I know, but I don't believe there is, and I have no knowledge of any such organization in the county.

Question. What—of these bands of men?

Answer. No, sir.

Question. You believe they came from a distant county?

Answer. I believe they just came together casually, or by sudden agreement.

Question. They get their horses, saddles, and bridles from somebody?

Answer. I suppose they owned them themselves. Almost everybody in that country does.

Question. You suppose these men engaged for midnight enterprises were men who owned horses?

Answer. Yes, sir.

Question. Men of property?

Answer. Property enough to own horses.

Question. They had to buy their material for disguises?

Answer. I suppose so.

Question. Would there be any difficulty in discovering the men who bought the material?

Answer. They didn't buy them, because they are not kept anywhere in this county.

Question. What—the material?

Answer. No, sir; they might buy the material for the mask.

Question. What kind of a mask could not be bought in your community?

Answer. There isn't a mask for sale that I have ever seen in the county.

Question. You understood these men wore masks?

Answer. Yes, sir.

Question. There is no depot where they could be purchased?

Answer. There is no railroad through the county. None of the stores kept them. I have been in most of the stores in the county.

Question. Your impression is that they were bought at a distance?

Answer Yes, sir.

Question. Did the men come from a distance?

Answer. I suppose some came from a distance. Some may live in the county; but I am satisfied that there is no regularly organized band in that county, that belongs exclusively to the county, for the purpose of depredating on the radical people.

Question. Would not the men who murdered Abe Lyon for the cause you stated probably be men who lived in your own neighborhood?

Answer. Some of them may have belonged there and given information elsewhere.

Question. Your impression is that this confederacy exists outside of the county?

Answer. I have heard, now, that Abe Lyon had committed some depredation in Marengo County that caused him to leave there suddenly and come down into Choctaw County; and I have heard that they had found out his whereabouts and pursued him there.

Question. The presumption, then, was that the men came from Marengo County?

Answer. I don't know. I have heard it presumed that some were from Marengo, and some from elsewhere.

Question. Where was it supposed that the negroes in that band came from?

Answer. I have never heard any supposition about that, sir.

LIVINGSTON, ALABAMA, *November* 3, 1871.

HUGH N. DAVIS sworn and examined.

The CHAIRMAN. This witness having been called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. State your residence and occupation.

Answer. I live in this county; I was born and raised here. I am a farmer.

Question. Do you know a man by the name of John Childers?

Answer. Yes, sir; a negro man named John Childers.

Question. Do you recollect a circumstance that occurred when a young man by the name of Burton, in company with yourself, overtook Childers down here on the road?

Answer. Yes, sir. I remember it very well.

Question. State what occurred at that time.

Answer. I and Mr. Burton and Mr. William May, who is now dead—he died last spring—we three were together, and as we got within about a hundred yards of this end of the lower bridge we heard somebody fighting on the other end of the bridge; and I said to Mr. Burton and May that somebody were fighting on the other end of the bridge, and let us go and see what was the matter. About that time I heard somebody say, "He has got my pocket-book;" and we all struck a lope, and I was foremost; and when I got up to where John Childers was standing—he was on my right—and he says, "The damned rascal has my pocket-book;" and I jumped off of my mare and grabbed another negro that jumped off of the bridge. About that time, as well as I recollect, Mr. Burton ran up behind me, and John Childers was standing on my right on the upper side of the bridge, and he struck at him with his gun and hit him on the top of his head, and says, "Damn you, who are you?" and by that time he said it was John Childers, and I wheeled around and caught his gun, and told him to stop and not strike him any more. He said if it was John Childers he would not strike him; he thought it was the negro that was fighting, or the negro that had the pocket-book; I will not be positive which he said. I think that he said that he thought John Childers was the negro that had the pocket-book. They were all in a fight then. I told him not to hit him any more, and I and John Childers and Burton all got down on the bridge there. I had taken the gun away from Burton. Burton was very drunk, and he and John Childers made friends right there on the spot. After they made friends, they commenced talking, and I told John Childers to get out of the way and go off, and he went. After that we rode around; it is about three hundred yards, I think, around the road, until we got opposite the bridge again, just about a hundred yards off. John Childers went up the hill and I went around the road. A dispute arose between me and Burton about where John Childers was. I told Burton if I was to call John, John would answer. He said he would bet me three hundred dollars he wouldn't. I told him I didn't have $300, but I would bet him a gun or a horse. He said, "Call him;" and I called him, and I saw him standing in the corner of the fence, and John answered me and walked up. We had a bottle of whisky, and I and Mr. Burton and Mr. May and John Childers all took a drink of whisky together, and all made friends, and went on together two or three hundred yards, and we left him then a-foot, and that's the last of that scrape that I know of.

Question. Did Burton hurt Childers seriously when he struck him?

Answer. No, sir; he only tapped him with the end of the gun. He broke the hat on

the top of his head. I suppose if he had hit him with the barrel, it would not have broke the skin; he knocked just a little blow.

Question. You say Burton struck him, thinking him the negro who took the pocket-book?

Answer. Yes, sir; that is what I believe. When he struck him, he says, "Who in the hell are you?" and struck, and John said, "It's John Childers;" and I turned around to stop him, and he said if it was John Childers, he had no more to say.

Question. You say he was very drunk?

Answer. He was very drunk. I staid all the day to get him out of town. I bought a bottle of whisky to get him out of town with. I told him to come on and we would take the whisky home and drink it. I was afraid he would get into some difficulty. He is a very foolish man when he is drunk. He agreed to go when I bought the bottle of whisky.

Question. Has he been on good terms with John Childers since that?

Answer. Yes, sir. They were drunk together a few days after, in town, a hugging one another around since that.

Question. Here the other day after John Childers gave in his testimony, he went out and was drunk?

Answer. Yes, sir; him and Mr. Burton were drinking together. I saw them down here on the street myself.

Question. There is no animosity between them at all?

Answer. No, sir, none at all.

Question. Was John Childers drunk that evening?

Answer. He was very drunk when he left town. I suppose that lick he got did scare or sober him a little.

Question. Was he fighting with some other negroes?

Answer. Yes, sir. I don't know as they hurt each other, but they were making a terrible fuss.

Question. You rode up to see what was going on?

Answer. Yes, sir; I spoke to Mr. Burton and Mr. May, and said there was a fight on the bridge, and let us go and see; and when I came I heard John say something about his pocket-book, and when I rode up he said, "That damned nigger has my pocket-book." I jumped off of my mare and catched him. I knew John pretty well; and Burton run up and struck him on the head with his gun, and says, "Damn you, who are you?" and John said, "John Childers," and I turned around as soon as I could, and told him not to hurt him, and caught hold of his gun and took it away from him, and told him not to hit him any more. He said he wouldn't. They kept jawing like drunken men. They made friends, and would get mad again in a minute, like drunken men. I told John then to get out of the way.

By Mr. RICE:

Question. Is John a pretty clever fellow?

Answer. Yes, sir, when he is sober; but a terrible fellow when he is drunk. He don't mean to be insulting except when he is drunk. He got a terrible beating a few days after that in town.

By Mr. BLAIR:

Question. How did that occur?

Answer. A young man, a carpenter, working with Mr. Barker, and another young man was drinking, and John was drinking with them. They proposed to John to change a ten-dollar confederate bill, and he made some slighting remark, and they got into a jaw about it, and they pelted him with brick-bats. I only heard how it happened.

Question. Did John ever tell you about it?

Answer. No, he only said he got a beating up town; that some white men beat him with brick-bats. They had a drunken row there. He told me he was drunk.

Question. Were the other parties drunk too?

Answer. I do not know; I reckon they were; it was on Sunday.

By the CHAIRMAN:

Question. Were you all drunk that night?

Answer. I had been drinking some whisky all day long; I was not drunk. Mr. Burton was drunk and so was John Childers. Mr. May was sober; he was a man that never drunk but very little. I had drunk some whisky, but I was as sober as I am now, I suppose.

Question. Did Burton knock him down when he struck him?

Answer. No, sir.

Question. You say you all drank afterwards, and made friends?

Answer. Yes, sir; all drank out of the same bottle on that hill, and said we would all make friends and never say anything more about it; it was a foolish trick.

Question. When he felt his sore head next morning, when the drunk had passed off,

he felt that he was considerably wronged, and went before the county solicitor. Did you hear that?

Answer. No, sir. I never heard anything about it until I was summoned here yesterday. I never knew of anything about it.

Question. You never knew he had attempted to have Burton prosecuted?

Answer. No, sir; I never heard any such thing.

Question. Childers you have always heard was a truthful negro?

Answer. Yes, sir, very truthful, and very honest, as far as I know.

LIVINGSTON, ALABAMA, *November* 3, 1871.

DANIEL McCALL sworn and examined.

The CHAIRMAN. This witness having been called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Doctor, give us your place of residence and your profession?

Answer. De Sotoville, Choctaw County, Alabama; I am a physician by profession.

Question. Doctor, how long have you resided in that county?

Answer. I resided in that vicinity—I mean in the State, before I was grown, or arrived at years of maturity.

Question. And have you lived here ever since?

Answer. Ever since, except six years I spent in California.

Question. Do you know a man, from Choctaw County, by the name of Robert Fu Fullerlove?

Answer. I know him when I see him—a negro?

Question. Yes; do you know anything about his character?

Answer. No, sir; I think that he followed blacksmithing, from my information.

Question. You know Abe Lyon?

Answer. Yes, sir.

Question. Do you know Fullerlove?

Answer. I was acquainted with him prior to the time of his coming into possession of this land. I understood he bought a tract of land near Tompkinsville.

Question. Did you understand that he had bought and paid for it?

Answer. I do not know whether he has paid for it or not.

Question. Do you know anything about that?

Answer. No, sir.

Question. Do you know anything about his character, or about the man?

Answer. No, sir; I know nothing about his character.

Question. Do you know of a negro man named Abe Lyon, that was killed near De Sotoville?

Answer. Yes, sir.

Question. Do you know anything about the circumstances?

Answer. I do not know anything about the circumstances, sir.

Question. Was it close by you?

Answer. Yes, sir; it was on the farm I had under my control.

Question. Did you hear anything of the circumstances at the time?

Answer. Nothing at all.

Question. Did you tell his wife that you heard the noise when the killing was going on?

Answer. I learned that afterwards. I was up at the time that a noise was created, because there was a party—there was not a party, but I had several of my acquaintances at my house that night, and heard the firing of some guns—some indistinct noise that way. That is all that occurred. The next morning, I suppose it was after sunup, there was light, it was before I got up, a negro came and inquired where I was. He inquired for me, and woke me up, and called me out to the gate, and there I inquired what he wanted, and he said that Uncle Abe was killed, and he wanted me to go down there to look at him—that is, to assist him to investigate it. Well, I did so, and as soon as I got in possession of the facts, I went around and got Squire Christopher to repair to the place, and hold an inquest, as soon as a proper number of men could be summoned.

Question. Were you on the jury of inquest?

Answer. I made the medical examination.

Question. Were you present when the testimony was taken before the jury of inquest?

Answer. Yes, sir; I was.

Question. Was Abe Lyon's wife examined?

Answer. Yes, sir.

Question. What did she state? How did she say it occurred?

Answer. She stated that there was a lot of men, or a posse—I don't remember the language—but that some men came to her place, and that they called for Abe Lyon. They were informed that he was in the house. They said that they wanted him. As near as I can recollect, that was the testimony. She said that he came to the door, and they came to the door of his cabin—a double log-cabin—and they took him, and said they wanted him, and carried him out in the passage in the hall.

Question. Where did they shoot? Did she say they shot him?

Answer. They carried him out, as well as I recollect. They fastened him some way, and carried him out.

Question. Did she say that she knew who they were, or did she say anything about the persons?

Answer. No, sir; I was very particular. She didn't recognize any of the party at all. She supposed, in talking about it, she said she thought there were some negroes in it.

Question. That she thought there were some negroes in it?

Answer. Yes, sir; she did.

Question. Did she give any reason for thinking they were negroes?

Answer. She said because they had patched clothes on, as well as my memory serves me.

Question. Did she say anything about the fact that she thought so because they took him up and carried him out?

Answer. If she used that expression it escaped my recollection, but it seemed to be with her somewhat of a mystery how he could be carried out in the manner that he was, and she said she was fully satisfied—I don't know whether she said fully satisfied—but she thought, or her impression I had was, that there were negroes; it led me to believe it.

Question. A portion, or part of them?

Answer. That there were negroes concerned in it.

Question. Not the whole party?

Answer. No, but that there were negroes there. She didn't say the whole party.

Question. Did she say that she knew that any of them were white men?

Answer. No, sir, I didn't hear it; and in the investigation I was very particular to state to her that it was our duty to the parties to make as thorough an investigation as we could. I stated the matter would come up before the court for investigation, and that if she knew anybody that was concerned in it, it was her right and privilege and duty to make it known, so as to assist us or give us assistance in making the verdict. She said she didn't know or didn't recognize any of the party.

Question. Was any effort made in the community there to find who the parties were?

Answer. After that?

Question. Yes.

Answer. There were some two or three witnesses examined to see if there was any clew anywhere to be arrived at by which the parties could be found so that the citizens would know the parties and could have an opportunity of arresting them if we could ascertain the parties.

Question. Did the citizens meet and make any efforts?

Answer. The citizens immediately were called in and notified of the occurrence, and a notification was sent round, and resolutions were passed by the citizens, I think it was the day following the night of the murder. The murder, as well as my recollection serves me, was perpetrated on the sixth.

Question. Sixth of June?

Answer. Yes, sir, 6th of June.

Question. Was there much indignation felt and expressed by the citizens?

Answer. Very much. These resolutions were published in the Bladen Springs Herald, setting forth the indignation of the people of the vicinity; not knowing the parties, and not knowing from the testimony of these witnesses that were present, who could not identify any one to give any clew.

Question. Was any attempt made to follow the tracks?

Answer. There were no tracks. There was no attempt further than to investigate if we could get any clew to what direction they took to see who they were. The citizens all met at the place as early as word could be sent around.

Question. No clew was ever discovered?

Answer. None that I ever heard of.

Question. Did the citizens form any theory about who did it and why it was done?

Answer. None at that time.

Question. Since?

Answer. I have heard rumor, from what source I know not, that he was a negro who was supposed to have been guilty of some misdemeanor and had left Demopolis. That was one rumor I heard. I don't know how this rumor that has developed itself, grew. It was a matter of inquiry to know why such mistreatment should be visited on him. That is a rumor—that he had been guilty of some misdemeanors at Demopolis. It was

also rumored that he was concerned in, or the leader of, a lawless crowd about Belmont, which existed some few years back, a year or so ago.

Question. Was it supposed that he had some money?

Answer. There was nothing of that kind at all elicited upon the investigation.

Question. His wife said in her examination before this committee that he had about $600, which he had hid away somewhere.

Answer. I can't tell.

Question. And that there was great search made through his house after his killing; whether it was for her, or what, she did not know.

Answer. I know nothing of that, sir.

Question. Do you know anything of the killing of a negro by the name of Ezell?

Answer. No, sir, nothing.

Question. Did you hear anything of it?

Answer. Yes, sir; I have heard of it.

Question. Was he killed by disguised men?

Answer. I have not heard. I don't know anything of that fact. I learn that this negro had two wives, or had one wife at home and had had a wife previous; and perhaps a day or two prior to his death, he took home his old wife. I heard that statement or that rumor.

Question. Did you hear that any trouble ensued from that?

Answer. The way that the matter or subject was presented leaves the impression that there was some dissatisfaction existing as regards his course of conduct.

Question. Among whom did this dissatisfaction exist?

Answer. Among the negroes, as the impression was made on my mind.

Question. And that his death originated in that?

Answer. I don't know. This is the statement, that it is in connection with these women, his two wives. One he had living with him, and he had gone a few days prior to his death and brought home, or recovered in some way, the former woman or wife he had had something to do with.

Question. Did you hear of the death or the killing of a negro by the name of Rogers there?

Answer. Yes, sir; I have heard of that.

Question. What was he killed for?

Answer. I do not know; I hear of rumors.

Question. What are the rumors?

Answer. The rumors state that he had been guilty, or was supposed to be, of making some advances or arrangement upon a white woman to associate. The circumstance is connected with a white lady, in the character of rape.

Question. That he was supposed to be guilty of a rape on a white woman?

Answer. Not guilty of a rape.

Question. An attempt at rape?

Answer. His character or his connections were such that he was charged with some motives of that sort. I did not hear that he had committed anything of that sort.

Question. But that he had attempted it?

Answer. His character was such that it was associated with that subject. I heard that.

Question. Did you hear of one Mike Dunn?

Answer. Yes, sir; I have heard of his death.

Question. How was he killed, and why; did you hear?

Answer. I have, of the rumored cause of his death.

Question. What was it?

Answer. Well, it was stated that he had said that he was in favor of heading a party and taking them from the cradle up, women and children.

Question. What does that mean—taking them from the cradle up?

Answer. Killing them.

Question. You had heard that he had said that?

Answer. Yes, sir.

Question. Whom did you hear that from?

Answer. I will give you my evidence, F. E. Catlin. I met him a few days after the circumstance, and stopped and conversed with him, and he was stating to me the circumstance. He said that he had met the day before an old servant of his, and that he had asked him where he had been—an old negro that used to belong to him. He seemed to be proud to meet with his old master, and held him in conversation quite a time, after passing the usual salutations. Mr. Catlin inquired of him where he had been. He said that he was just returning from burying a fellow-servant of his. What he meant by that was one of his own kind. Says he, "What is that?" He inquired of him who it was; and he says, "It is Mike Dunn." Says he, "How did he come by his death?" He said he was killed. He asked him if he knew for what cause or purpose he was killed. He said he did not know, only it was rumored that he had stated that he was in favor of heading a party and taking them from the cradle and killing them,

women and children, and sparing none. He asked him what did he think of that kind of feeling or declaration of sentiments. He said he thought that negro was a fool—if he even sustained or cultured such a sentiment, he ought to keep it to himself; because, he says, "If I would express such a feeling, I think I would merit the same end that he received." That is the testimony, and that is all I know of it. That is reported; that is the negro's testimony.

Question. Do you know anything of a man named Lem Caldwell that was said to have been killed there?

Answer. No, sir.

Question. You never heard of that?

Answer. No, sir; not of Lem Caldwell. Lem Campbell, I expect it is.

Question. Yes, that is the one; Campbell. Do you know anything of his killing.

Answer. No, sir; nothing until after the occurrence; after the killing of him.

Question. What did you hear after the killing?

Answer. I heard that there was some men, this is rumor, that a party stopped at his house to inquire for a negro by the name of Bill, or William; I believe that they called him Bill Lee or William Lee, and that they were informed where he lived, and they went to his house; but they did not find him, and came back to the negro that they were inquring of, this Lem Campbell, and stated that he had told them a lie, and they took him out; that is the testimony I heard, or that is the rumor I heard; that they took him out.

By the CHAIRMAN:

Question. What did they do with him?

Answer. I do not know what they did with him. He was found dead.

By Mr. BLAIR:

Question. Was he shot?

Answer. They say he was shot.

Question. Was it supposed he was shot by mistake for Lee?

Answer. That is the rumor of the freedmen, by their coming and calling and inquiring at his house for this other negro, Bill Lee. They said that they had nothing against him, nothing at all, that he was a good old negro and they had nothing against him, but they wanted Bill Lee or William Lee.

By the CHAIRMAN:

Question. How could they shoot him by mistake, then, if they knew he was not Bill Lee?

Answer. I do not know; I say this is the rumor that is afloat. That is the testimony elicited at the inquest, that they came to his house and inquired of Lem Campbell for a negro by the name of Bill Lee or William Lee, and they were informed where he lived.

Question. Then they killed Campbell because he deceived them about Bill Lee?

Answer. I can't say how that was.

By Mr. BLAIR:

Question. Was any one who was concerned in that murder discovered?

Answer. No, sir; not that I heard of.

Question. Were efforts made to discover them?

Answer. I was not there. There was a jury of inquest held over him, I learned afterwards. The negroes further state—I have heard some negroes state—relative to the inquiry about this Bill Lee, that if he had been murdered, or killed, or disposed of it would not have been at all astonishing.

Question. Why was that?

Answer. They looked upon him that he was considered as not of a good character.

Question. The negroes regarded him so?

Answer. Yes, sir. The negroes thought he was living with a woman there, and it was supposed he was having illicit connections with his wife's daughter.

Question. That was Bill Lee?

Answer. Yes, sir.

Question. Are the people in your county disposed to see these disturbances suppressed?

Answer. As much so as they are anywhere, sir.

Question. Do the body of the citizens discountenance all these things?

Answer. Certainly they do, sir.

Question. Have you ever heard any threats made to intimidate the negroes, to control their suffrage?

Answer. Not a bit, because I have been associated with them, not associated but acquainted, in practicing medicine, and know nearly every negro within ten miles around. I practice fifteen miles out from De Sotoville, among the negroes.

Question. Did you ever hear of any attempt to intimidate and control the negroes in their votes?

Answer. No, not at all; I never heard a citizen in our vicinity, nor anywhere in the county; because I have had them to ask me my opinion to know how to vote, and I told them to go and vote just like I did, to vote just as they saw proper. Says I, "If you insist on knowing how I am going to vote, come to me the day of the election. If you want me to make a selection for you I will do it; but one thing is evident, you can vote as you see fit."

Question. Do they vote freely and without intimidation?

Answer. They have. I have been at the precinct of De Sotoville, and they voted that way all the time. There was a time, in the early history after the surrender, that most of the negroes repaired to De Sotoville, the county-seat, to vote.

Question. Why did they repair there? Did you hear them say?

Answer. It seemed to be the order.

Question. Did they say they were ordered there?

Answer. They said that was the order or understanding.

By Mr. BUCKLEY:

Question. There was, at the first election in this State, but one polling-place provided for in a county, and that was at the county-seat?

Answer. That is so; but subsequent to that the majority of them seemed to have an idea, so I concluded, that there were two points associated with it; one was that at Butler—it was rather an inheritance—that that was the point they first voted at, and they could not comprehend their right to vote, or thought it was necessary to go there, or they felt compelled to go there.

Question. They went there from a sort of habit or custom?

Answer. That was the sort of order. That was the point they would congregate at I have conversed with freedmen on my place. I know, on one occasion, the polls were open at De Sotoville and they were preparing to go to Butler; a number of freedmen had passed, going on to the election; they were walking; it was a rainy, muddy time; they were putting themselves to great inconvenience and exposure and consumption of time. I informed those upon my place as regards their right to vote, and their privilege to vote, and the legality of it, that their vote would be just as good and legal at De Sotoville as at Butler, and that they would have the same right, and would not be molested or prohibited from it.

By Mr. BLAIR:

Question. Did they still go down?

Answer. I turned those upon my place, that is, a few of them; some went on to Butler, and a few stopped and voted at De Sotoville.

Question. Do you know, doctor, of any efforts or determination among your people, or in your neighborhood or county, to suppress the outrages on negroes?

Answer. Yes, sir; it is this way: We have set forth, propagated our contempt for such conduct and such proceedings, and desire to put down such proceedings, and discountenance them. I have talked with all the citizens that I have chanced to meet with during these outrages, and I have not met with a citizen yet but what is opposed to them.

By the CHAIRMAN:

Question. Doctor, are you a native of the State of Alabama?

Answer. Yes, sir. I have lived here with the exception—I moved here when my parents moved within three miles of the place where I live now, when I was a boy, and I have lived there from that time up to the present, with the exception of about six years, I suppose, in California.

Question. Were you a slaveholder before the war?

Answer. Yes, sir.

Question. Did you take any part in the civil war?

Answer. In what particular?

Question. Did you enter the confederate army?

Answer. I was not subject to it; I was a practicing physician.

Question. Did you fight on either side?

Answer. I was not liable, not subject to it; I was exempt by the law.

Question. Did you fight on either side during the war?

Answer. Which? With guns?

Question. With any means whatever? You understand what I mean, do you not?

Answer. No; I want to know in what particular. I say I was not subject to be forced out into the active service, for my profession exempted me.

Question. Did you take any part whatever in the war?

Answer. Which? In assisting?

Question. Yes, sir.

Answer. In protecting against the inroads upon our country?

Question. Yes, sir.
Answer. I did all I could.
Question. Tell the committee what you did.
Answer. If soldiers passed by and required sustenance or food, I have contributed as far as I had.
Question. Did you remain at home during the war?
Answer. I remained at home, with the exception of about from December—hold on; wait till I get that out—December, I think it was, in 1861, until July 1862.
Question. Where were you during that time?
Answer. I went up here to Demopolis a short time after the rebellion broke out. I remained there.
Question. What were you doing there?
Answer. I was with the Fortieth Alabama Regiment.
Question. What were you doing there?
Answer. Waiting upon the boys who were sick.
Question. You were surgeon to that regiment?
Answer. No, sir; I was a private. I was there voluntarily.
Question. You were a volunteer?
Answer. Yes, sir.
Question. You never raised a company?
Answer. No, sir; no pay. I paid my own way; recruited.
Question. With that exception did you remain in Choctaw County during the war?
Answer. Yes, sir; I went down to Mobile from Demopolis and staid until some time in July.
Question. With the regiment?
Answer. Yes, sir; and came back home.
Question. Were your ever present with the regiment in any engagement?
Answer. No, sir; it had none.
Question. Were there any Federal soldiers or company through Choctaw County?
Answer. None that I ever saw.
Question. You were never present, then, at any conflict between this regiment and the Federal soldiers?
Answer. No, sir; I left it before it got into active service.
Question. Were you in favor of the secession ordinance?
Answer. I was in favor of our country.
Question. You voted in favor of the delegates to the convention to pass the ordinance, did you?
Answer. Hold on a while about that—the year before that time I was an old-line whig.
Question. You thought it was right for Alabama to go out of the Union?
Answer. I thought when it was precipitated upon us, and there was no other alternative, that we had to do this; it was for our homes.
Question. That is what I wanted to know.
Answer. I was in for protecting our homes, our firesides, our people, our country: and thought it a very judicious and religious act.
Question. I did not ask for a speech; only the facts.
Answer. I just threw that out.
Question. You have mentioned the murders of Abe Lyon, of Ezell, of Rogers, of Dunn, and of Campbell. What other murders do you know to have been committed in Choctaw County?
Answer. Understand me; those I do not know of. There is only one murder I know of.
Question. You believe them to have been committed?
Answer. Rumor states that.
Question. My question is, do you believe it?
Answer. I have no right to doubt it.
Question. Do you believe that any other murders have been committed since the surrender, in Choctaw County?
Answer. I cannot believe anything I never heard.
Question. Have you ever heard of any other murders?
Answer. No; yes, I recollect one.
Question. State it.
Answer. I think that occurred in 1868.
Question. What case was that?
Answer. A negro by the name of Dud Woodward; I think that was in 1868.
Question. Was he killed?
Answer. Yes, sir; he was killed.
Question. Did you understand what the circumstances were?
Answer. The rumor or the facts that were communicated to me was that he was a democratic negro; a negro supposed civil and quiet; he liked to live with white

people; he was working then with a carpenter and wagon-maker by profession in this place.

Question. By whom was he killed?

Answer. It was supposed to be by another negro; at any rate the negro that suspicion rested on absented himself.

Question. Do you know of any other murders?

Answer. That is all; because there is only two I can say really occurred, which were those two that I report.

Question. Have you heard of any others?

Answer. None that I recollect.

Question. The number that you have mentioned includes all that occur to you?

Answer. Yes, sir.

Question. You say that the politics of Dud Woodward were democratic. How was it with all the other negroes that were killed; were they democrats, or radicals?

Answer. I do not know their politics.

Question. What was your information as to their politics?

Answer. I had no acquaintance with their political predilections.

Question. What is your information?

Answer. I have no information as to that.

Question. How does it happen that you know the politics of Dud Woodward and not the others?

Answer. The circumstances that develop the cause of his death.

Question. It was because he was a democrat that it made an impression on you?

Answer. I state the rumor. The rumor is that; I heard what was rumored; as to the politics of the other negroes I have never heard any politics at all in the question. If a negro there was disposed to vote the radical ticket, as far as my knowledge extended, he was not molested.

Question. You have told us about that. Just answer my questions. How does it happen you remember the politics of this negro, and cannot remember the politics of any other negroes who were killed?

Answer. I can't state any further than this: that the inquiry was made when this negro was killed, because he was such a fine negro. He was in the town working with a workman who lived in the town, within thirty yards of me; and in investigating the causes that led to his death, it was stated that because he was a white man's negro, a democratic negro, and voted the democratic ticket, the other negroes invaded him. That is why it made the impression; I had not thought about it; I had no information, and could not cherish what was told to me.

Question. Did you understand that he was killed because he was a democrat?

Answer. The supposition was, because he was a democratic negro.

Question. Did you hear that the supposition was, in the case of the other negroes that were killed, that they were killed because they were radicals?

Answer. Not at all.

Question. You never heard that?

Answer. I never heard it, because the presumption is that the most of them vote the radical ticket, and negroes are not molested, as far as my knowledge goes, about their position or politics.

Question. Abe Lyon lived upon your place, did he not?

Answer. He lived on the place that I had control of.

Question. How far was his house from you?

Answer. Nearly a quarter.

Question. You heard the firing of guns that night?

Answer. I heard some firing.

Question. Was the firing of guns so common a circumstance that it did not attract your attention?

Answer. No, sir; it attracted my attention.

Question. Did you go out that night to inquire the cause of it?

Answer. I went out when I heard the guns. Prior to the firing of the guns, I had heard one or two guns—separate guns. They seemed to be isolated, distinct; and the dogs barked. It is a common thing in our country for the negroes to 'possum-hunt and coon-hunt, and to be roving about all through the night. I heard this in the direction of where this circumstance occurred—hearing the dogs barking and one or two guns fire prior to what was the cause of alarm.

Question. That is, the volley?

Answer. The volley. That led me to believe that the gun fired was not distinct—whether it was a gun fired or some other things.

Question. When you heard the volley, what did you do?

Answer. I don't think I did anything. There were several of us talking, like we are now—not on the same subject.

Question. Was not that very unusual to hear a volley fired at night?

Answer. It was.

Question. Why did you not go down to the place and inquire into it?

Answer. I remained up four hours after that waiting to see if it was anything unusual, because if anything unusual occurred on my place they would inform me of it.

Question. Why didn't you go out and get information of it yourself?

Answer. I could not go to inquire, because I had no suspicion of anything going wrong.

Question. Had you ever heard a volley so near your place, at midnight, before?

Answer. No, sir; and I did not know it was on my place then.

Question. You knew something was wrong?

Answer. No, sir.

Question. You suspected it?

Answer. No, sir.

Question. Why did you stay up four hours, then? Was it not on account of that?

Answer. No, sir.

Question. What for?

Answer. Entertaining company.

Question. Did you not say you staid up four hours waiting for some one to come?

Answer. No, sir.

Question. Did you not say that?

Answer. No, sir; if I did, it is an error. It was my own inclination led me, not because I was expecting any one.

Question. Was it about midnight when you heard that volley?

Answer. It was about 11 o'clock.

Question. Did you stay up four hours after that?

Answer. Yes, sir; nearly four hours.

Question. That made it 3 o'clock?

Answer. It made it a little beyond 2.

Question. Did you have company at your house that night?

Answer. I did.

Question. Was it a frolic?

Answer. No, sir; it may have been a frolic for some.

Question. How many where there?

Answer. There were three life-insurance agents there.

Question. What were you talking about until 3 o'clock in the morning?

Answer. Talking about life-insurance.

Question. Did you hear anybody riding about your house after this firing?

Answer. No, sir; I remained in the house entertaining my company.

Question. There were three insurance agents there?

Answer. Yes, sir; all came to stay at my house that night.

Question. You were talking life-insurance until between 2 and 3 o'clock in the morning?

Answer. Yes, sir.

Question. You suspected nothing wrong down there?

Answer. No, sir; I had no cause to suspect it. If anything would occur wrong, there was ample time for them to have repaired to my place and reported; there was ample time, and I heard nothing during the time I staid up.

Question. Was it not a matter of discussion between you and these insurance agents what that firing, that volley, all meant?

Answer. We could not tell.

Question. Was it a matter of discussion between you, as an unusual occurrence?

Answer. We could not account for it; because I took up the idea, the freedmen were building at my place, some of them, and it sounded to me like as if there was some boards thrown down. That was subsequent to the firing I told you of that I heard, when the dogs were barking; I think I heard two guns, and a dog still barked; and I supposed the freedmen had treed something. After that came this rather mingled or mixed-up rattling noise, like throwing off boards or plank.

Question. Did you think it was the falling of boards or plank?

Answer. I did, because no disturbance was reported.

Question. Then you did not think it was a volley?

Answer. I did not think it was that, because I thought if anything unusual had occurred they would report.

Question. What pile of lumber was there so large that in falling it would have made such a racket?

Answer. A board precipitated from the top of a house the negroes were repairing might make it; that was the mystery to me; it sounded like boards falling.

Question. You did not know of a pile of boards large enough to do it?

Answer. I knew the negroes were repairing.

Question. Then you thought it was the falling and pounding of boards?

Answer. I did not know; I could not tell.

Question. What was your opinion?

Answer. My opinion? I had no opinion. When I heard the noise, it sounded like something unusual; I remained up; I knew the negroes were hammering down around their place, and building and repairing; and after it no alarm, no disturbance was reported to me—because that is the habit if anything wrong occurs.

Question. You remained up to see if anybody reported?

Answer. No, sir; I remained up to entertain the company. I never thought anything about that—the noise notwithstanding.

Question. Had you heard of any threats made toward Abe Lyon before that?

Answer. No, sir; not a word.

Question. Had no suspicion that he would be visited?

Answer. Not a bit.

Question. You went down next morning; did you see any horse-tracks down there?

Answer. I went down and saw horse-tracks in the road.

Question. How many?

Answer. I cannot tell you.

Question. Where did they hitch their horses?

Answer. I don't know.

Question. Had they gone on horseback?

Answer. I do not know.

Question. What was your information?

Answer. I don't know that.

Question. Did you never inquire whether they were on foot or on horseback?

Answer. The testimony offered by the negroes at the inquest states that they were on foot. The house stands fifty or one hundred yards from the lane or public road.

Question. Did the testimony show how many men were there?

Answer. It did not state; it said there was quite a number of them.

Question. Did not the woman, Mrs. Lyon, state how many she saw?

Answer. She did not know.

Question. What inference did you draw from the testimony, of the number of men there—twenty-five or thirty?

Answer. I could not draw any, only what was said. She said the yard was full.

Question. Was it a pretty large yard?

Answer. No, sir.

Question. To have filled the yard would it have taken forty-five or fifty?

Answer. I do not know; it would depend on how they stood. She said they were approximating around.

Question. Did she say they were negroes?

Answer. No, sir; she said she believed there were negroes in the company.

Question. A good many negroes?

Answer. She did not state; she did not know.

Question. Did she say she could see their faces?

Answer. I do not think she stated that.

Question. Did she say she thought they were disguised?

Answer. I do not remember that. I believe she states that she could not recognize them.

Question. Because they were disguised?

Answer. I do not know whether they were disguised or not. If she stated that point I do not remember it now.

Question. On the day succeeding that night the citizens got together and passed these resolutions?

Answer. The citizens were called in.

Question. Who called them in?

Answer. The citizens of De Sotoville.

Question. Called in whom?

Answer. Called in the citizens of the vicinity of De Sotoville.

Question. Were you present?

Answer. I was.

Question. Who was president of the meeting?

Answer. I do not remember the chairman.

Question. Were you?

Answer. No, sir.

Question. Who was the secretary?

Answer. If I mistake not, I think a young man by the name of Easely; I am not certain.

Question. Who drew the resolutions?

Answer. There was a committee appointed to draw the resolutions. I think that it was Captain Gray. These resolutions were published in the Bladen Springs Herald.

Question. Who were the committee?

Answer. I do not know whether I recollect all of the committee.

Question. Were you on that committee?

Answer. I was not on the committee.
Question. Did you participate in the meeting?
Answer. I came there after the resolutions were adopted.
Question. Where was the meeting held?
Answer. Right in the town.
Question. In what building?
Answer. I think it was in front of Christopher's store, or in Christopher's, under a shelter.
Question. Was it in the street or in a shed?
Answer. I do not know; I was not present when the meeting was going on.
Question. I thought you said you were there at the meeting?
Answer. I came up during the time of the meeting, after they had read the resolutions.
Question. You staid till after the meeting was over?
Answer. Yes, sir; certainly.
Question. Where was that meeting?
Answer. It was held in the town of De Sotoville.
Question. In what building?
Answer. I don't remember whether it was held in a building or not.
Question. What street was it held in?
Answer. The streets are not named.
Question. Can you not describe to the committee what part of the town the meeting was held in?
Answer. It was Poole's or Christopher's store.
Question. In front of the store?
Answer. Yes, sir; sometimes they held meetings or elections so.
Question. This was last June?
Answer. Yes, sir.
Question. It is not so long a time that you have forgotten the circumstances?
Answer. It would if I had not paid strict attention to the meeting. I think I was called off at the time the citizens were going in.
Question. I thought you said you were there and attended the meeting after the resolutions were offered until it broke up?
Answer. The resolutions were offered for the citizens to sign. The resolutions were read.
Question. Did you sign them?
Answer. I did.
Question. How many others signed them?
Answer. I suppose fifteen, twenty, or thirty, or maybe more of them came in.
Question. Did all that attended the meeting sign them?
Answer. Yes, sir.
Question. How did the resolutions read?
Answer. I think that they set forth the occurrence that took place on the night previous, of having killed or murdered one Abe Lyon—an act that the people of the vicinity were greatly opposed to. I don't know the language of it, but it went on and stated that they condemned such a course.
Question. Did the resolutions speak of him as a good man?
Answer. I do not remember.
Question. Did the resolutions deplore his death?
Answer. I think they did, sir; that it was an act perpetrated, that they considered it a lawless act.
Question. Did the meeting consider him a good citizen?
Answer. It stated nothing to the contrary, that I know of.
Question. He was considered a good citizen, was he?
Answer. I heard nothing to the contrary, sir.
Question. Demopolis is not a great way off from De Sotoville, is it?
Answer. It is some thirty-odd miles.
Question. He had been the slave of Frank Lyon, had he not?
Answer. That is the report.
Question. Frank Lyon is one of the first characters in Demopolis, is he not?
Answer. He is a man whose reputation stands very fair.
Question. Now, do you not think that this negro had always sustained a good character?
Answer. I do not know anything at all about the negro. Prior to meeting up with him, I never heard of the negro.
Question. Was he killed on account of any bad character he had?
Answer. I cannot say that.
Question. What was the supposition as to the cause of his death?
Answer. I hear a rumor that he had been guilty of some homicide at Demopolis.
Question. And that he was killed for that?

Answer. I do not know. I heard the rumor at Demopolis that he could not go back there.

Question. What was the homicide?

Answer. I did not hear it stated—something, I do not know what.

Question. Who said that?

Answer. I do not know; it is a general rumor.

Question. Did you ever hear of it before he was killed?

Answer. No, sir.

Question. It may be that the rumor was gotten up to excuse the killing?

Answer. I do not know.

Question. It may be that some of the Ku-Klux that killed him got up the rumor?

Answer. I do not know about that.

Question. They would be very apt to do it, would they not?

Answer. I cannot say.

Question. If you can tell me who got up this charge about Abe Lyon being guilty of a homicide, it may be that we can infer who killed him, and that they were getting up an excuse for his death.

Answer. I cannot say anything about that. I do not know how the rumor started.

Question. Did you ever hear of such a thing as a Ku-Klux Klan down in Choctaw County?

Answer. No, sir.

Question. You never heard of it?

Answer. I would hear people talking about Ku-Klux.

Question. Was it said that Abe Lyon was Ku-Kluxed?

Answer. Yes, sir; it was said he was Ku-Kluxed.

Question. Said that he was killed by the Ku-Klux Klan?

Answer. They stated that he was Ku-Kluxed; that the Ku-Klux killed him.

Question. That is generally believed, is it?

Answer. I do not know.

Question. Do you know, or have you ever heard, of any fund being raised or subscriptions made to purchase arms and ammunition; to pay for the hire of horses, saddles, bridles, &c.; to be used by secret organizations of men, whose operations were to be conducted in a clandestine manner, and which looked to the employment of violence, if necessary, to accomplish its objects?

Answer. No, sir; I never have.

Question. Have you any information whether any fund was ever raised, or attempted to be raised, in Choctaw County or elsewhere to defray the expenses of a secret order of men, organized, or to be organized, to redress certain grievances in the community?

Answer. No, sir.

Question. You never heard of such a thing; no rumor of that kind?

Answer. No, sir.

Question. Have you any information of the existence in Choctaw County, at present or at any time in the past, of a secret combination of men, organized and banded together to redress what were supposed to be evils, or of grievances in the community?

Answer. I do not know of any, sir.

Question. I am asking you not whether you know of any, but whether you have any information as to whether such a combination ever existed.

Answer. No, sir; nothing—no information.

Question. Have you any belief on that subject?

Answer. I have no belief.

Question. Have you heard any rumor to that effect?

Answer. I have not heard any rumor to that effect—to that purpose.

Question. Do you know, or have you heard, of any case where a horse, saddle, bridle, pistol, gun, mask, or disguise of any kind was hired, borrowed, or procured for the purpose of being used in an adventure of men banded together for any secret enterprise, or where you suspected those articles, or any of them, were to be used for such a purpose?

Answer. No, sir; I have no knowledge of anything of the kind.

Question. Have you any information that there now exists, or has at any time existed, in Choctaw County or elsewhere, any combination or organization of men with signs and pass-words by which they recognized each other?

Answer. No, sir.

Question. You never have heard of such an organization as that?

Answer. No, sir.

Question. In Choctaw County nor elsewhere?

Answer. No, sir.

Question. Then you never have heard of any Ku-Klux Klan, have you?

Answer. I have heard people talking about Ku-Klux Klan.

Question. Did you not understand that they were men sworn to keep their secrets, and banded together?

Answer. I do not know.

Question. Have you ever heard that that was the case?

Answer. I do not know that I have ever heard that.

Question. Did you hear that they take an oath?

Answer. No; I never heard that.

Question. Do you read the newspapers once in a while?

Answer. I do.

Question. Did you never read of such a thing as that in the newspapers—of a Ku-Klux oath and obligation?

Answer. Yes, sir.

Question. An obligation to keep their secrets and stand by each other, and obey their chief—did you never read that?

Answer. I never have read that in the newspapers.

Question. You never heard of such a thing?

Answer. I do not remember that I did.

Question. What is your age?

Answer. I am forty.

Question. How long have you been a practicing physician?

Answer. Twelve or fifteen years.

Question. And you have never heard of such a thing?

Answer. If I have read that thing I do not remember it—that obligation or statement; I do not remember it.

Question. Did you ever see a man that belonged to that order?

Answer. To which?

Question. To the order known as the Ku-Klux or White Brotherhood?

Answer. I do not know whether I have or not; I do not know.

Question. Did any man ever confess to you that he belonged to an order of that kind?

Answer. No, sir.

Question. To any secret order?

Answer. No, sir. No man has ever professed to me.

Question. Have you ever seen a man you suspected belonged to an order of that kind?

Answer. No, sir.

Question. Have you ever heard of their meeting together at any place in Choctaw County?

Answer. I never heard of any place of their meeting.

Question. Have you ever heard that they did meet together, and consult with others what they would do?

Answer. No, sir; not in Choctaw County.

Question. What county have you heard that such an organization existed in?

Answer. I have been in Choctaw County for the last seven or eight years.

Question. Have you ever heard that such an order existed in Sumter County?

Answer. I have heard rumor that there is Ku-Klux in Sumter County, but not an order.

Question. But you never heard that there was in Choctaw?

Answer. I never heard that there was an order, a regularly organized band of Ku-Klux—never anything of the kind.

Question. Have you ever heard of Ku-Klux except as being a band or an order?

Answer. No; I have heard that these things are done in this way, and it is said the Ku-Klux did it.

Question. Who are the Ku-Klux?

Answer. I don't know.

Question. Who do people say they are that do these things?

Answer. I don't know.

Question. Are they supposed to be men?

Answer. I don't know. I have heard some statements that they were not men.

Question. Where are they supposed to belong to?

Answer. It is said that they came without any warning, and disappeared in the same way. They seem to be invisible.

Question. You have heard that?

Answer. I have heard statements that way.

Question. Tell us all about it. Now we are getting on the track of the truth I hope. Who did you hear say that.

Answer. I don't remember. I think I heard some something of that sort, or read something of that kind in a paper.

Question. What paper?

Answer. I read that, I think, in one of the Meridian papers.

Question. What did the Meridian paper say about it?

Answer. I believe, if I recollect right, that the paper spoke one time about their visiting some party—I don't remember the party—but in a way that they did not know anything about them. They came and they left in the same way.

Question. Were they supposed to belong to this world, or another world?

Answer. The inference in reading that left the impression on me that it belonged to another world.

Question. Your opinion is, then, that these Ku-Klux are inhabitants of the other world?

Answer. I have no opinion about that. I am speaking about that statement. I have no knowledge.

Question. Do you belong to any lodge or organization of men that meet in secret?

Answer. No, sir.

Question. Did you ever belong to any lodge, band, or bands of men that met in secret?

Answer. No, sir.

Question. Were you ever in a room where men met in secret, and concerted together?

Answer. I don't know what you mean by "secret."

Question. Were you ever in a room when an oath or obligation was administered to any one?

Answer. I have been in a masonic lodge.

Question. Have you been in any other lodge where an oath or obligation was administered to men?

Answer. No.

Question. Have you never been in any secret organization, except a masonic lodge?

Answer. I have never been in any, sir.

Question. Have you ever seen men, other than masons, meet together in a secret lodge?

Answer. I never have.

Question. Have you heard of their meeting together in a secret lodge?

Answer. No, sir.

Question. Did you ever take any obligation in any other society of men except the masonic body; any obligation or oath?

Answer. Pertaining what to?

Question. I will repeat the question: Did you ever take an oath or obligation in any society of men acting together, other than in a masonic lodge?

Answer. [A long pause.] Not that I recollect of.

Question. Why did you pause a minute in giving that answer?

Answer. To study, sir, to see whether I had or not.

Question. Does it take you that long to determine in your own mind whether you ever took a secret oath or obligation?

Answer. No, it did not take me that long, but it takes me some time to see whether I had.

Question. You are satisfied now that you never did?

Answer. No, sir.

Question. How?

Answer. I do not think I have ever taken any obligation.

Question. Have you taken any obligation as a mason?

Answer. No, sir.

Question. Then you never have taken any obligation in any secret society whatever, have you?

The WITNESS. [After a long pause.] Do you belong to the masonic fraternity?

The CHAIRMAN. Yes, sir; I do.

The WITNESS. You know where you stand, then.

The CHAIRMAN. Certainly I do.

Question. I repeat my question, now, and I require an answer: You have taken a full minute to answer that question; you say you never belonged to the masonic order?

The WITNESS. Did I say I didn't?

The CHAIRMAN. I understood you to say so.

Answer. I said I belonged to the masonic fraternity; I say I belong to it.

Question. If you belong to the masonic society I suppose you took some kind of an obligation?

Answer. If I did, it is not for you to know, unless you belong to it.

Question. I did not ask you anything about the obligation you took as a mason. My simple question is, whether you ever took an oath or obligation in any other society of men except the masonic order?

Answer. None, none, none.

Question. How far did Ezell live from you; you said Ezell had been killed; I want to know how far he lived from you?

Answer. The place where it was reported he lived was about seven miles.
Question. How long after he was killed before you knew it?
Answer. It was several days.
Question. Did you investigate the particulars?
Answer. No, sir.
Question. Was it said he was killed by a band of men in disguise?
Answer. I do not remember about that.
Question. Was it said he was killed in his house in the night-time?
Answer. Yes, sir; it was said he was killed in his house at night.
Question. Was it said he was killed by a body of men who came there?
Answer. I think rumor states that men came there and called for him.
Question. Was it said that he was Ku-Kluxed?
Answer. I do not remember that; I did not hear that.
Question. Was he shot or hung?
Answer. He was shot.
Question. How many man did you understand were engaged in his shooting?
Answer. My recollection is that there were five or six.
Question. Who said that they were negroes that killed him?
Answer. I do not know; I do not know that anybody said they were negroes.
Question. You do not say that they were negroes that killed him?
Answer. No, sir; I do not remember.
Question. How far did you live from Rogers, the negro who you say was killed?
Answer. It is about seven or eight miles.
Question. How long after he was killed before you heard the particulars of his killing?
Answer. I do not know; it was several days.
Question. Who told you about the circumstances of his being killed?
Answer. I do not remember; I do not think any person. It is just the general rumor in the country.
Question. How did you find out the manner of his killing?
Answer. Just from the general talk of the country.
Question. Was he said to have been Ku-Kluxed?
Answer. Not that I know of.
Question. A party of men went there to his house and killed him in the night-time?
Answer. Yes, sir.
Question. You do not call that Ku-Kluxing?
Answer. I do not know whether it was or not.
Question. Was it rumored that he was Ku-Kluxed?
Answer. I did not hear.
Question. Did you hear that they were disguised men?
Answer. No, sir.
Question. How many did you understand were concerned in his killing?
Answer. I do not remember that; they said a lot of men—a party?
Question. Were they white men?
Answer. I did not hear that.
Question. Were they supposed to be white men?
Answer. I don't know what the supposition was.
Question. You had no information on that subject?
Answer. No, sir; but only that he was killed because he had been guilty of making advances upon a white woman. I just heard that floating through the country. I do not know who stated it.
Question. Then somebody told you, I suppose?
Answer. It is just like rumors; I do not know how it occurs.
Question. Do you not know that the Ku-Klux who were concerned in the killing of this man were the very men who gave rise to the charges blackening their characters?
Answer. I do not know.
Question. Do you not think it highly probable that the men concerned in the killing of the negroes would attack and defame them, to get up a pretext or excuse for it?
Answer. I can't say; people that are guilty of such things perhaps might state such things to exonerate themselves, but I don't know.
Question. Do you not believe that the men who killed this man lived in the neighborhood, or Choctaw County?
Answer. I cannot say.
Question. Nobody would probably have any interest in visiting punishment upon Rogers, except the friends and acquaintances of this white woman, would they?
Answer. I do not know.
Question. Do you know that there was the least foundation in the world for this charge that he made advances upon a white woman?
Answer. I do not know it.
Question. Now the case of Mike Dunn; how far do you live from him?
Answer. I suppose that is between 6 and 7 miles.

Question. That is just about the distance that these Ku-Klux would ride, is it not?
Answer. I cannot tell you.
Question. They always aim to get back before morning?
Answer. I do not know.
Question. They are never seen riding in daylight, are they?
Answer. I do not know.
Question. They are said to do their murderous work in the night-time, are they not?
Answer. I do not know anything about that.
Question. Is not that the rumor? You have given us a great deal of information upon rumor. Is not that the rumor—that they do their murderous work in the night-time?
Answer. These depredations that have been perpetrated have occurred principally in the night, as far as I know.
Question. How far could the men ride to a point and back again, commit their murder and escape daylight?
Answer. I cannot say as to that.
Question. Who told you what Mike Dunn said? I believe you have stated that Mr. Catlin told you?
Answer. Yes, sir.
Question. What is Mr. Catlin's full name?
Answer. F. E.—no, S. E. Catlin.
Question. Is he a neighbor of yours?
Answer. No, sir; he lives in Illinois.
Question. Did he at that time live in Alabama?
Answer. No, sir.
Question. Where did you meet him?
Answer. On the road between De Sotoville and Butler.
Question. What did he know or care about Mike Dunn?
Answer. I don't know. He was speaking about the circumstance of his meeting one of his old negroes.
Question. Did he formerly live in Choctaw County?
Answer. Yes, sir; at Mount Sterling or Butler.
Question. He pretended to have gotten this information from an old negro?
Answer. He stated that that was what the negro said to him—about his having the conversation with him—that the negro had told him so.
Question. Is it your information that Mike Dunn was Ku-Kluxed?
Answer. I never heard anything any further than that, only the circumstance.
Question. How many men did you understand were concerned in his killing?
Answer. I did not hear the number mentioned.
Question. Did you understand that they were disguised?
Answer. No, sir; I did not understand.
Question. Did you understand they met in the night?
Answer. Yes, sir.
Question. On horseback?
Answer. I don't know how they got there.
Question. How many men did you understand were concerned?
Answer. I cannot say.
Question. Forty or fifty?
Answer. I did not hear the number mentioned.
Question. How large did you understand this party was that went after Lee, and killed Lem Campbell in place of Lee?
Answer. I did not learn the number; I did not hear it specified.
Question. How far was Campbell's house from your place?
Answer. About five miles in another direction.
Question. Was that a midnight murder, too?
Answer. It was stated to be done in the night.
Question. And Campbell was stated to be a man of good character?
Answer. Yes, sir; said to be a negro that no one had anything against.
Question. And these men killed him because they said he had lied to them about Lee?
Answer. I do not know. These negroes state that they came to his house first, and inquired for this other negro, and could not find him, and came back and called him out, and stated that he had lied to them.
Question. And then they proceeded to shoot him?
Answer. I do not know; that was the statement.
Question. And yet you say that the laws are well administered in Choctaw County, and that there is no disturbance there?
Answer. I say that the people are desirous of putting it down, or finding out if they can.
Question. Why do they not investigate and find out these murderers?
Answer. There is no evidence that they can get hold of. There has been a jury of

inquest, I suppose, held over all of these parties, and witnesses called to testify and to state if they can recognize any one that is concerned.

Question. Do you not think a reward of $1,000, offered in Choctaw County, would find out every mother's son of them?

Answer. I cannot say that; I do not know.

Question. Have you ever heard of any reward being offered?

Answer. No, sir.

Question. Have you heard of any one being arrested or brought to trial for the murder of any of these negroes?

Answer. None.

Question. Yet you have a law-abiding community that are trying to investigate these murders and find out the murderers?

Answer. In all these instances the only one I was present at, all the parties were present that knew anything about it, or were supposed to know, and they were requested to give their testimony, if they even knew of any party that was concerned in it, and they implicated no party.

Question. If you were a sheriff, and took an oath to discharge your duty, having the power to summon any number of men to your aid to assist you in executing process, have you any doubt but what you could find out these men?

Answer. I would not know who to start to.

Question. Is there any difficulty in following the tracks of these scoundrels?

Answer. I do not know, but I would not know the witnesses to testify that they knew any of the parties.

Question. Do you not believe that men who do know are afraid to tell who are implicated as members of the Ku-Klux?

Answer. I do not know; I cannot tell.

Question. Do you not believe the men who know about these crimes are afraid to testify for fear they will be Ku-Kluxed?

Answer. I cannot say about that.

Question. Did you ever hear men express such fears?

Answer. I never have.

Question. Is there anybody standing in fear of the Ku-Klux down in your part of the country?

Answer. I do not know that.

Question. Do the negroes stand in fear of them?

Answer. I cannot say. The negroes state that they are excited—that they are intimidated.

Question. Intimidated by what?

Answer. It is a thing they cannot comprehend.

Question. Are they afraid of being served in the same way?

Answer. No; they say they are not afraid; but such a thing occurring in their vicinity has its effects. They do not say they fear, and they cannot say within themselves that they really are afraid, because they say they cannot see why anything would be visited upon them; that they cannot say so. Yet it has an exciting and a little alarming effect upon them.

Question. Are they talking about going off to some more peaceable country?

Answer. I have not heard any in my vicinity talking about going.

Question. They are perfectly reconciled to this condition of things?

Answer. I have not heard anything about their going.

Question. Are they reconciled to stay there?

Answer. They want to stick to my place—those I have talked with.

Question. How many have you working on your place?

Answer. Fifteen or twenty.

Question. Were they not alarmed by the murder of Abe Lyon?

Answer. Yes, sir; they were alarmed.

Question. Did you promise them protection?

Answer. I told them that I would protect them as far as I could. I inquired what was the reason that that occurred—they did not come to my place.

Question. You never heard that this Abe Lyon had a lot of money laid up?

Answer. No, sir.

Question. He was a blacksmith?

Answer. Yes, sir.

Question. A very hard-working fellow?

Answer. I do not know about that.

Question. And made a good deal of money?

Answer. I do not know.

Question. Did you not know that?

Answer. I don't think he did; not when he staid with me.

Question. Had he made an arrangement to go off of your place?

Answer. No, sir.

Question. Did you not hear he was going to some other place?

Answer. No, sir. He had set in with me in February. He came there and rented some land. I agreed to furnish him, and furnish him the land and the mules, and he cultivate the land.

Question. He made an arrangement with you to stay there during the year?

Answer. Yes, sir; and I advanced the supplies and gave the material.

Question. He was not working at his trade?

Answer. Yes, sir; and carrying on farming also.

Question. Did he employ colored men to assist him?

Answer. Yes, sir; he had some negroes working there. If he had money, I don't know anything about it. I know that he has left me in arrears some $250.

Question. Did his wife live on the place?

Answer. I prevailed on his wife to take the hands and work out the crop.

Question. Was not she frightened nearly to death the next day, when she gave evidence?

Answer. Not at all.

Question. Did not the horrid murder of her husband the night before shake her nerves?

Answer. Undoubtedly it ought to have had its effect; but as to being intimidated, a great many citizens were there and told her to state if she knew any of the parties; that they would guarantee protection to her.

Question. Do you think she would have been safe in telling the names of the murderers, if she had known them?

Answer. Yes, sir.

Question. Would she not have been hurt?

Answer. No, sir.

Question. Would she not have been served the same way her husband was afterward?

Answer. No, sir; I cannot say how that would be.

Question. Might she not well suspect that, if she gave the names of the murderers, her life would not be worth a sixpence for twenty-four hours?

Answer. I cannot state about that.

Question. Is it not natural that she should have felt in that way?

Answer. I do not know, because I was not placed in her situation.

Question. Did she leave soon afterward?

Answer. Yes, sir; within two or three days.

Question. What became of Abe Lyon's property? Did you take possession of it?

Answer. He had no property.

Question. None?

Answer. None at all. He had a little Jersey wagon he had contracted for from a man named Whistler; and a short time after his death Mr. Whistler sent a note to me, stating that Abe had not paid him for that wagon, and he had a mortgage upon it, and he wished me to take care of it for him; and the wagon remains there now. He had left no stock at all. I rented him two mules. He had no mule, nor horse, nor cow, nor hog. He bought one shoat from a party there—a pig, and his widow sold that when she left, and got pay for it. And the harness, the plow-gear he bought there, that he claimed as his own, when she was leaving I paid her the money for it, she stating that she did not have money to get off upon. I told her I had no use for it, that my farm was sufficiently equipped, but that they would be no drag to me; and I said, "I will pay you for them just what they will be worth in a store;" and I paid her for them, and prevailed on her to stay there and work at the crop, thinking, perhaps, that she could make it profitable.

Question. You are well acquainted within a radius of twelve or fifteen miles as a practicing physician?

Answer. Yes, sir.

Question. Have you no suspicion of any one anywhere engaged in these raids on the negroes?

Answer. No, sir.

Question. You have no belief?

Answer. No, sir.

Question. You could not lay your finger on any man you suspect?

Answer. No, sir. I would have no authority in doing it, and no belief about it, because a man would be in bad business to do it.

By Mr. RICE:

Question. You say there was no proof before the coroner's inquest as to whether these men that killed Abe Lyon were disguised?

Answer. No, sir. The testimony on the inquest and the verdict of the inquest states that he came to his death by parties unknown.

Question. Did you say that Lyon's wife stated that she thought some of them were negroes?

Answer. Yes, sir.
Question. By reason of their having patched clothes?
Answer. Yes, sir; she said some of them were negroes.
Question. If they were not disguised, why could she not tell that they were negroes by their faces as well as patched clothes?
Answer. I couldn't tell that. I give her own statement.
Question. What time did you hear of the killing?
Answer. It was next morning, I suppose nearly 8 o'clock. The sun was up. I slept late, because I sat up late that night. I had company.
Question. Did you ever see any party in disguise?
Answer. I never have, sir. I have never seen any party in disguise.

By the CHAIRMAN:

Question. Did you ever see any of the disguises worn by these men?
Answer. No, sir. I do not know what kind of apparatus that would be.
Question. Did you ever hear a description of them?
Answer. No, sir.
Question. Never heard how one of these Ku-Klux was dressed?
Answer. I heard some of them state that—I do not know, but I believe that they have something on that is a cover in some way—a gown, like.
Question. Some man told you that that had seen one?
Answer. I do not know.
Question. Let us know who he was?
Answer. I don't know how I heard that.

LIVINGSTON, ALABAMA, *November* 4, 1871.

FRANCIS MARION HILL sworn and examined.

By the CHAIRMAN:

Question. Judge, will you state your residence and occupation?
Answer. My residence is Choctaw County; my occupation is farming.
Question. Are you a native of the State of Alabama?
Answer. I am, sir.
Question. How long have you lived in Choctaw County?
Answer. I have lived in it ever since it was organized.
Question. Have you held any official position in the State?
Answer. I have, sir.
Question. What?
Answer. Judge of probate. I held another office, too. Do you want that? I was magistrate, I was county treasurer, and I hold the office of register in chancery now.
Question. Were you elected or appointed judge of probate?
Answer. I was appointed.
Question. By whom?
Answer. Governor Smith.
Question. When?
Answer. In 1869.
Question. How long did you hold the office?
Answer. I held the office until about the 10th of May last.
Question. How came you to resign the office? What influences were brought to bear to induce you to resign it?
Answer. Well, sir, I was threatened by those anonymous letters, and I was shot at on the road-side, and shot and wounded in the arm, and my office was shot into.
Question. When did this occur?
Answer. The shooting of me on the road?
Question. Yes, sir.
Answer. That was on the 25th of February.
Question. When was your office fired into?
Answer. It was about the 29th of March, sir.
Question. When did you receive the anonymous letters?
Answer. I received two of them before I was shot, and one afterward.
Question. Have you preserved the letters?
Answer. I have, sir.
Question. Have you got them here?
Answer. No, sir.
Question. You may state their substance.
Answer. Well, sir, the first two notified me to leave the country; that was about the substance.

Question. Did they make any threat in case you did not?
Answer. Yes, sir.
Question. What was that threat?
Answer. That I would be killed.
Question. Were there any insignia or devices on the letters?
Answer. What do you mean by that?
Question. Ku-Klux signs.
Answer. It was signed "K. K. K."
Question. Had they any devices such as cross-bones, and death's-heads, and coffins?
Answer. No, sir; nothing of that.
Question. Both of these letters were signed "K. K. K.?"
Answer. Yes, sir.
Question. You understand that to mean "Ku-Klux Klan?"
Answer. Yes, sir.
Question. How was the last one signed?
Answer. That after I was shot? It was reminding me that I had been shot, that I made a narrow escape, and warning me that this was the third and last notice.
Question. Notice to leave the country?
Answer. Yes, sir; and that if I did not, it would be at my peril—at the peril of my life.
Question. Did you consider your life in danger?
Answer. I did.
Question. You may state your position and course during the late war.
Answer. Well, sir, before the war, up to the time of secession, I was a whig, and belonged to the whig party, and I opposed secession with all the power I had. After secession came on us, and our State seceded, of course I went with that side—with the people.

By Mr. BLAIR:

Question. Which side?
Answer. I went with the secessionists. I was for the war, and was as anxious for the war to succeed then as any man in the community. I did all I could.

By the CHAIRMAN:

Question. Were you in the army?
Answer. No, sir. I was fortunate enough to stay out of the army.
Question. What course did you take after the surrender?
Answer. Well, sir, I surrendered with the army, sir, and have been surrendered ever since. I was for the Government.
Question. Were your sentiments after the war well known to the public?
Answer. Yes, sir.
Question. Did they make you odious with your former friends and acquaintances?
Answer. Well, sir, I was very neutral; I had nothing to say about the war; I was for accepting the situation; I did not make myself odious, nor officious, nor disagreeable; I submitted quietly; I had very little to say; I advised men that talked with me to take the same course.
Question. When you took office under the State government after the war, what were the sentiments of your old neighbors and acquaintances?
Answer. They advised me to do it.
Question. Advised you to take the office?
Answer. Yes, sir; they signed my petition for the office.
Question. How do you account, then, for this uprising against you; this attempt to drive you from the State?
Answer. Well, sir, after the elections here—last year's elections—in the fall of 1870, when the State went democratic, the appointing power went back into the democratic party. Well, the idea then was—that is my opinion—that if they could get me out, and get others out, and get vacancies, those parties could get appointments.
Question. You think the object of this persecution, then, was to get you out of office?
Answer. I think so, and to intimidate the party as much as possible.
Question. Had you, while in office, affiliated with the radical party or the democratic party?
Answer. I had affiliated, sir, with the radical party.
Question. Did that create any ill-feeling against you in the community?
Answer. I expect it did. A great many professed to be friends, to have great friendship for me, but I do not know whether it was real or not, sir.
Question. Do you suppose these letters to have been written and these shots to have been fired by the same persons?
Answer. I cannot say, sir. I have not my mind made up upon that—no opinion. I saw the party that shot me on the road. That was in the day-time. He was lying off the road about thirty steps in the corner of the fence with his gun poked through a crack, and he fired into me as I drove along.

Question. Was he a stranger?

Answer. I cannot tell that. He was lying down on his belly with his head right toward me. When the gun fired, I looked to see what it was, and I threw my eye right on the man where he was lying down, and I could see his back. He was lying on his belly with his face toward me.

Question. Did he run after he fired?

Answer. No, sir; he did not get up. I never stopped, never made any halt. He was on my right, and the shot went through my arm pretty near my stomach.

Question. Is it your opinion, from the direction of the ball, that his intention was to kill you?

Answer. It certainly was.

Question. Were you in your office at the time that was fired into?

Answer. I was not. I was at my home, in my residence.

Question. Was it supposed by the assassin that you were there?

Answer. I think it was.

Question. Was the shot fired in the direction of the chair you usually occupied in the office when you were there?

Answer. I could not tell about that. I saw the two holes through the door. I could not tell how that was. The clerk was in there.

Question. Were these letters all written in the same handwriting?

Answer. They seemed to be. It was my opinion that they were, but I showed them to a great many, and some differed about that.

Question. Have you known of any like attempts made upon any other office-holders in Choctaw County?

Answer. I have not, sir.

Question. Have you known of any efforts to induce the circuit judge to resign or desist from holding court?

Answer. Well, sir, I do not know about that. That is right hard to state. Judge Smith, during his March term of court, adjourned his court. That was on account of the sheriff resigning his office. It is my opinion that the sheriff resigned through intimidation.

Question. What intimidations are you informed that he received?

Answer. Well, sir, on the day before the court adjourned there was quite a number of parties that were boisterous and kicking up a good deal there, and the judge sent the sheriff out to stop the noise, and the sheriff went out, but he could not do it. He could not stop them. The next day, the day court adjourned, there was to be a democratic meeting there, and there were the same parties there and quite a number of others, and I think the sheriff anticipated danger and trouble, and he resigned his office early in the morning.

By Mr. BUCKLEY:

Question. Was the judge obliged to adjourn court then?

Answer. Yes, sir; there was no coroner and no sheriff, and he was obliged to adjourn. There was no coroner, and the sheriff resigned. There was no officer to carry on the court.

By the CHAIRMAN:

Question. You may state what acts of lawlessness committed by two or more persons banded together have been committed upon colored people in Choctaw county. You may state what you know personally yourself, and such acts as have come to your knowledge from reliable sources.

Answer. Well, sir, acts have been committed there, unquestionably, but I know nothing of them of my personal knowledge—nothing at all.

Question. Much of the testimony that the committee receives is predicated upon information which the witnesses have received from others?

Answer. What they have heard?

Question. Yes, sir?

Answer. I have heard a good deal.

Question. You may proceed in your own way, without further suggestion, to tell the committee what you have heard that you deemed reliable.

Answer. I understand that Abe Lyon, a colored man living out near De Sotoville, was murdered by disguised men. I have heard that a colored man by the name of Tom Rogers was murdered in the night by disguised men. I have heard that one Isham Ezell, or Isaac Ezell, a colored man, was murdered in the same way. I have heard that Mike Dunn, a colored man, was murdered in the same way.

Question. Have you heard of Lem Campbell's case?

Answer. No, sir; I have not heard of him. I believe those are all the murders I have heard of being committed.

Question. Have you heard of Dud Woodward?

Answer. I have heard that. He was not killed by disguised men, I think. I never heard that he was killed by disguised men.

Question. All these other cases you have mentioned, of instances where the persons killed, were assassinations by disguised men in the night-time, were they?

Answer. Yes, sir.

Question. Did you understand that they visited their houses and took them out and killed them?

Answer. Yes, sir; took them out in the night. I heard that Isham Ezell was killed in his house.

Question. Over what period of time do these murders you have specified range?

Answer. They run back to about June.

Question. Last June?

Answer. Yes, sir; and since that.

Question. Had there been any murders previous to that in Choctaw County?

Answer. Yes, sir; there was another one that I recollect now.

Question. What one?

Answer. Nat Edwards was killed prior to that. I never heard that they were disguised at all.

Question. What were the circumstances of the killing of Nat Edwards?

Answer. They went to his house in the night, and called him up; he got up and refused to open the door, and they shot him through the door and killed him.

Question. You understood it was a party of men?

Answer. Yes, sir.

Question. Was he a colored man?

Answer. Yes, sir; very old.

Question. Did you know him?

Answer. Well, I knew all these parties that I have spoken of.

Question. Was Edwards a good negro?

Answer. Yes, sir; he was a good negro.

Question. How were these other colored men that were killed in point of character?

Answer. Well, sir, they were all very good men.

Question. Did you understand what causes were assigned for killing them?

Answer. No, sir; I never heard any cause.

Question. Have you known or heard of any cases of negroes being whipped in Choctaw County?

Answer. Well, I have heard of some, but I have paid so little attention to them—that was a matter of no importance—that I do not believe I could undertake to state anything of that sort.

Question. There was not much account taken of circumstances or affairs of that kind?

Answer. No, sir; unless a murder was committed it was not considered much at all.

Question. Did you hear that these whippings were inflicted by men in disguise?

Answer. I have not heard much of that at all; I have not heard about that. I recollect that I heard some parties down in the lower end of the county, just before the election, talking about whipping a negro severely down there.

Question. Before the election?

Answer. Yes, sir.

Question. Did you understand what he was whipped for?

Answer. It was about his politics.

Question. Do you know whether they were disguised or not?

Answer. I do not reckon that they were, sir.

Question. What has been the effect of these murders and whippings upon the negroes as to exciting alarm among them?

Answer. There is one effect it has produced now: they all want to leave here, all want to leave the country and go away somewhere—to Kansas, or somewhere else. They are afraid to stay here.

Question. Is that exciting any apprehension among the whites—fear that they will lose the benefit of their labor?

Answer. I have heard the whites speak but very little of it. What I have heard is that they are afraid they will lose them. I have only heard a few men speak about it.

Question. If the negroes are left to themselves, and not influenced by their employers, or intimidated by any one, how would they, as a general thing, vote, in your opinion?

Answer. I think they would vote the republican ticket.

Question. Have you any reason to believe that they have been deterred either from voting at all or from voting the republican ticket, on account of fear or apprehension of loss of employment, or being outraged?

Answer. Yes, sir; I think so. In my opinion they have. In 1868 we had an election for the ratification of the constitution. In that year—1868—they were threatened if they voted the radical ticket that they would be discharged from employment. In the same way in the election for President in the fall of 1868 that was a common thing.

Question. How was it at the election last fall, for governor?

Answer. They did not talk to me much then. I did not hear; I do not know what,

but in our county I do not think there were any extreme measures to prevent them from voting. In our county we were not disturbed much.

By Mr. RICE:

Question. How have the colored people voted, generally?

Answer. They voted the republican ticket.

Question. Almost universally?

Answer. Yes, sir; with few exceptions—a very few exceptions. They are all republicans by nature, I believe.

By the CHAIRMAN:

Question. Have you or your family been ignored or slighted since you accepted office under the State government?

Answer. Well, sir, I have no family, and I do not know whether I have been slighted or not. I have not paid any attention to that, sir. I have been treated very kindly by a great many hot-headed democrats and secessionists.

Question. What is the feeling of the white people in your county toward northern men or republicans who go into your county to settle?

Answer. Well, sir, we have got a good many good people there, and we have a great many good people that have a kindly feeling, too; and I think we have a great many that have not. A great many, sir, are kindly.

Question. Have you known of any interference with the colored schools in Choctaw County, or with the teachers of colored schools?

Answer. No, sir; I do not know that I have. It may be, but I have not heard of it or paid attention to it.

Question. Have you heard of any negro school-houses being burned?

Answer. They had a negro school-house and church at Tompkinsville, that was burned about three days before the election last fall, and another one in the upper end of the county, near Ward's, that was burned about the same time, and prior to that there was one in the lower end of the county. These two up here were called churches, but I think they were occupied for both purposes; but in the lower end of the county there was a school-house burned.

Question. Did you understand for what purposes they were burned?

Answer. Well, it was on account of the opposition to negro schools. They did not want the negroes to have schools.

Question. Is there much opposition to colored schools in Choctaw County?

Answer. In that way there is. A great many are opposed to them, and a great many are in favor of them. They are divided up there.

Question. Which way is the preponderance of public sentiment in Choctaw County?

Answer. I do not think I would like to say or give an opinion.

Question. How do the people of Choctaw County feel in reference to the negroes voting?

Answer. At first they were much opposed it. It has subsided a good deal now, and, I think, they do not care so much. I think a great many of them—a majority of them—do not care, but they were powerfully opposed to it at first.

Question. Do they expect the negroes will finally vote with the democratic party?

Answer. Yes, sir, that they will vote the democratic ticket. I think that is about the conclusion.

Question. Do you think they are employing all the means they can to cause the negroes to vote the democratic ticket?

Answer. I do.

Question. What, if anything, do you know, judge, in relation to the existence of a secret oath-bound organization, commonly known as the Ku-Klux Klan?

Answer. I do not know anything in the world of it of my own knowledge.

Question. From information that you have derived from others, what do know of it?

Answer. Well, sir, I have very little information—no real information.

Question. What is your belief as to that organization having existed in Choctaw County?

Answer. I believe it does exist.

Question. At this time?

Answer. I do. That is my opinion; I believe it.

Question. Have you any opinion as to how many men it embraces?

Answer. No, sir.

Question. Have you any opinion as to whether men of good standing are concerned in it, or countenance it?

Answer. I believe that there a great many good men—what we term good men there—countenance it. These are only my opinions, sir.

Question. That is what the committee are asking for.

Answer. I believe that there are a great many men that countenance it.

Question. Is it your opinion that these bands of disguised men who have inflicted the murders of which you have spoken belonged to that organization?

Answer. That is my opinion, sir.

Question. Does this organization seem to paralyze the efforts of the courts to punish the perpetrators of these outrages?

Answer. I think it does, sir; I think it has an influence to that effect.

Question. What is your opinion as to the members of that organization, or men who sympathize with them, finding their way upon grand and petit juries?

Answer. I think they do it; therefore I think it would be impossible to convict any parties.

Question. Have you ever known a case in which a man has been punished for being concerned in any of these secret raids upon the colored men?

Answer. I have not.

Question. Does there seem to have been at any time an earnest and determined purpose on the part of the leading men of the democratic party, in Choctaw County, to break down this organization and find out and punish the men who are concerned in it?

Answer. No, sir—by the democratic party?

Question. Yes, sir.

Answer. No, sir; I do not think there has ever been anything—any feeling of the sort.

Question. I will ask your opinion as to whether, in your judgment, this organization could be put down, and these outrages stopped, if the democratic party of Choctaw County resolutely set themselves to work to do it.

Answer. I do. I believe it could be put down. That is my opinion, sir.

Question. What effect have these outrages in keeping immigration from your county, in preventing peaceable, law-abiding men from coming there and settling among you, in your opinion?

Answer. I have no opinion about that; I do not know whether there are any that want to come or not; but I think if there were any who wanted to come, that that would hinder them somewhat, and that they would not do it. I do not think they would come in that state of affairs.

Question. Have any of these outrages of which you have spoken been inflicted upon democrats, so far as you know?

Answer. Not one, sir, that I know of; not an instance.

Question. Do you believe that one of the purposes of this organization is to drive from the country objectionable persons?

Answer. I think so, sir.

Question. Do you believe that another object is to influence negroes in voting, or abstaining from voting?

Answer. I do.

Question. Do you believe that another object is to promote the success of the conservative or democratic party, and to obtain the political control of the State, and the possession of the offices?

Answer. I do.

Question. Have you any knowledge or information whether any fund was ever raised, or attempted to be raised, in your county, to defray the expenses of this organization?

Answer. I have none, sir.

By Mr. BUCKLEY:

Question. Judge, have you any knowledge of a meeting held in your county which passed resolutions calling on the county officers to resign?

Answer. Yes, sir, I have; I saw the resolutions which were passed. I was not at the meeting.

Question. Do you know the cause of that meeting? Upon what ground did they base this call on the officers to resign?

Answer. I do not remember now what the grounds were. It was a meeting there to request these officers to resign. That was the reason, just to request them to resign.

Question. Was it at the same meeting that they called upon the judge of this circuit to resign his office?

Answer. The same meeting.

Question. The same meeting that passed the other resolutions calling upon your county officers to resign—did that also include the circuit judge?

Answer. Yes, sir; the same meeting and the same resolutions.

By Mr. RICE:

Question. Was this meeting about the time of your receiving notice to quit the country?

Answer. Yes, sir; the call for the meeting was about that time.

By Mr. BUCKLEY:

Question. Have you any information in regard to a notice posted on the court-room door the Sunday night preceding the last term of court?

Answer. I heard of that. I was not at the court at all. It was told to me by reliable men, by the members of the bar; they were as reliable as that; they told me these notices were stuck up there Sunday night, notifying the judge that he could not hold his court there; that they had run off one or two judges, and that they would run him off; and there was the black flag.

Question. What about the black flag?

Answer. They had up a black flag over the court-house door. That was Monday morning they appeared; put up Sunday night, and Tuesday night they were put up in the same way.

Question. They repeated it?

Answer. Yes, sir; Sunday night and Monday night. It appeared Monday morning and Tuesday morning.

Question. Was your present judge a resident of the county during the war?

Answer. Yes, sir. I am a native of the State, and I have lived in the county since it was formed. I was in the county when it was cut off and organized and made into a county. I have never lived out of the State.

Question. Do you know what part Judge Glover took in the war?

Answer. No, sir, I do not; I cannot state that.

Question. Did he ever hold any office during the war under the confederate government?

Answer. He was a member of the court of county commissioners. He was a commissioner.

Question. Do you know whether he furnished any supplies?

Answer. No, sir, I do not know it. I have heard that he did, but I cannot state; that is what I do not know myself.

Question. Had he held an office before the war there?

Answer. Yes, sir; I understand that he was a member of the legislature. Judge Glover and I were of the same politics before the secession. We voted for Bell and Everett, and during the war he went democratic, and he has been so ever since, pretty strong. I went back on him after the surrender. Well, I voted for Seymour and Blair. That was the only democratic ticket I have ever voted that I know of—straight-out ticket.

By the CHAIRMAN:

Question. Do you know Dr. McCall?

Answer. I do.

Question. What was his course during the war?

Answer. Well, he was about like myself.

Question. Do you know of his being a surgeon to an Alabama regiment, and being absent at Mobile accompanying the regiment to Mobile?

Answer. I rather think he was. I believe he was, sir.

Question. Was he a strong secessionist?

Answer. No, sir; he was originally opposed to secession, but he fell in. We were all secessionists after it came on us.

Question. After the ordinance was adopted?

Answer. Yes, sir; we were all secessionists.

Question. Do you know a negro by the name of Robert Fullerlove?

Answer. I do.

Question. What is his character?

Answer. He is a good man.

Question. What do you know of the practice of those who sympathize with this Ku-Klux Klan and endeavor to blacken the character of every man who has been Ku-Kluxed, finding pretexts for the deeds after men have been whipped or killed?

Answer. What do I know of it?

Question. Yes, sir.

Answer. Give me a sort of a basis.

Question. I mean this: Where negroes have been whipped or killed by these bands of men in disguise, is it not the practice——

Answer. To circulate rumors and reports that they have done so and so?

Question. Yes, sir.

Answer. Yes, that is so.

Question. And endeavor to justify the act?

Answer. Yes, sir; to justify the act, that he ought to have been killed; that is so.

Question. And this against men against whom nothing had even been heard before?

Answer. Yes, sir; none of these men that were murdered there—I never had heard anything in the world against them. After they were murdered I heard they were breaking into stores and caught there and killed in it, and doing this, and that, and the other, and teaching negro schools, and boarding negro teachers, and all these things.

Question. All these things were seized upon as pretexts?

Answer. Yes, sir; I could hear of them.

LIVINGSTON, ALABAMA, *November* 3, 1871.

DRURY REUBEN EDWARDS sworn and examined.

The CHAIRMAN. This witness having been called on the part of the minority, I will ask General Blair to conduct the examination.

By Mr. BLAIR:

Question. What is your residence?
Answer. Choctaw County.
Question. Do you know a man by the name of Morris Dunn?
Answer. Yes, sir.
Question. Do you know where he was last Tuesday?
Answer. Yes, sir; he was with me.
Question. Where were you?
Answer. We were fox-hunting.
Question. Where?
Answer. We were fox-hunting right where I live.
Question. In Choctaw County?
Answer. Yes, sir.
Question. How far is the place where you were fox-hunting Tuesday night from Black's Bluff, in this county?
Answer. Well, sir, I don't know exactly; I never was at Black's Bluff in my life. I don't know what is the distance.
Question. How far from Tompkinsville?
Answer. Seven miles.
Question. In which direction?
Answer. West.
Question. Seven miles west from Tompkinsville?
Answer. Yes, sir.
Question. Were you with him all night?
Answer. Yes, sir.
Question. Until 4 o'clock in the morning?
Answer. Yes, sir.
Question. Where were you at 4 o'clock in the morning?
Answer. At 4 o'clock Wednesday morning?
Question. Tuesday morning, I believe it was.
Answer. I was with him in the woods at 4 o'clock.
Question. Do you know a negro named Robert Fullerlove?
Answer. Yes, sir.
Question. Where does he live?
Answer. He lives in Choctaw County.
Question. Near Tompkinsville?
Answer. Yes, sir; a mile from Tompkinsville.
Question. It has been said here that Morris Dunn and a man by the name of Charles Brau overtook this Robert Fullerlove a short distance from Black's Bluff, in this county, and beat him severely at 4 o'clock, Tuesday morning. Is that true, or not?
Answer. Yes, sir. What? I don't understand you.
Question. Is it true that these two young men overtook Robert Fullerton on Tuesday morning, at 4 o'clock, and beat him severely?
Answer. No, sir; for I was with Mr. Dunn, myself, Tuesday morning.
Question. And you were not at Black's Bluff?
Answer. No, sir; I was not.
Question. Nor in that neighborhood?
Answer. No, sir.
Question. Nor in this county?
Answer. No, sir.

By the CHAIRMAN:

Question. You commenced by stating that you were with Morris Dunn on Tuesday night, did you not?
Answer. Yes, sir.
Question. You still adhere to that statement, do you?
Answer. Yes, sir.
Question. And you were with him until 4 o'clock the next morning—Wednesday morning?
Answer. I was with Mr. Dunn from Monday night until—let me see, Monday, Tuesday, Wednesday, Thursday—I was with him every day since Monday night.
Question. Why did you commence by saying that you were with him on Tuesday night?
Answer. Well, of course, you asked me.

Question. Did you not say you were hunting with him?
Answer. Yes, sir.
Question. Fox-hunting, on Tuesday night?
Answer. Yes, sir.
Question. Were you——
Answer. Yes, sir.
Question. ——out with him, until Wednesday morning at 4 o'clock, fox-hunting?
Answer. Yes, sir.
Question. Then it was not Monday night you were out fox-hunting with him until 4 o'clock Tuesday morning?
Answer. I started to go to preaching at the camp-ground, and went to his house, and after we got there we rode up the road a piece and found there was no preaching, and I turned around and came back and staid with him Monday night.
Question. Were you with him two nights, fox-hunting, until 4 o'clock the next morning?
Answer. Yes, sir.
Question. Two nights until 4 o'clock in the morning?
Answer. Yes, sir.
Question. Two nights until 4 o'clock in the morning?
Answer. [No answer.]
Question. Do you say so?
Answer. We went driving.
Question. That is no answer. My question is, were you with him two nights in succession, Monday night and Tuesday night, until 4 o'clock?
Answer. I was with him Tuesday night and Wednesday morning until 4 o'clock.
Question. Then you were not with him Monday night until Tuesday morning at 4 o'clock?
Answer. Yes, sir: I was with him Monday night and all day Tuesday.
Question. Were you with him Monday night until 4 o'clock on Tuesday morning, fox-hunting?
Answer. Understand me, we didn't go fox-hunting Monday night, but Tuesday night.
Question. Were you with him Monday night?
Answer. Yes, sir.
Question. Where?
Answer. At his house.
Question. What were you doing at his house?
Answer. We were going to church.
Question. Did you go to church?
Answer. We started, and got as far as Preacher Tainder's, and then came back.
Question. Did you go back to his house?
Answer. Yes, sir.
Question. And you staid with him that night?
Answer. Yes, sir.
Question. And slept with him?
Answer. Yes, sir.
Question. Slept with him Monday night?
Answer. Yes, sir.
Question. Then you were not out fox-hunting Monday night?
Answer. No, sir.
Question. You slept with him all night Monday night?
Answer. Yes, sir.
Question. How came you to make the mistake of saying you were out fox-hunting two nights until 4 o'clock in the morning?
Answer. How came I to make the mistake?
Question. Yes, sir.
Answer. [A pause.] Well, I meant we went driving; it was driving next day in place of fox-hunting.
Question. Driving on which day?
Answer. We went driving on Wednesday.
Question. You were driving on Wednesday?
Answer. Yes, sir.
Question. You were fox-hunting Monday night and Tuesday night?
Answer. We never fox-hunted Monday night. We went fox-hunting Tuesday morning. There was to be a cotton-picking at my house, and they failed to have it—some negroes on my place—and he staid with me, and Tuesday we went fox-hunting.
Question. What time did you get home?
Answer. I don't know exactly. Tolerably late Wednesday.
Question. Were you out in the woods all night?
Answer. Yes, sir.
Question. How late on Wednesday?

Answer. I don't know exactly what time.
Question. You got home tolerably late on Wednesday?
Answer. Yes, sir.
Question. Tell us what time you got home on Wednesday.
Answer. [A pause.] I reckon it was between 8 and 9 o'clock, to the best of my recollection. They were through eating breakfast.
Question. You had got back to your own house at that time?
Answer. Got back to his house. There was a lot of freedmen were going with us fox-hunting; but they didn't go.
Question. You and Dunn, then, went alone?
Answer. Yes, sir.
Question. Whom did you see that night?
Answer. Who did I see?
Question. Yes, sir.
Answer. I didn't see—what night do you mean?
Question. Tuesday night.
Answer. I saw Mr. Harmon.
Question. What is his first name?
Answer. D. M. Harmon.
Question. Where did you see him?
Answer. He was at our house and Mrs. Edwards's house.
Question. Who else did you see?
Answer. I saw some freedmen.
Question. Where did you see them?
Answer. I saw them at Woodward's place.
Question. Who else did you see?
Answer. I didn't see any one else.
Question. What place were you at Tuesday night?
Answer. Well, we were in the woods from the time we left.
Question. What time did you leave Tuesday night?
Answer. Well, I don't know exactly. It was after dark, I reckon.
Question. You left Dunn's house, or your house?
Answer. My house.
Question. At about dark?
Answer. Yes, sir.
Question. Where did you go?
Answer. We went just in the Piney woods, hunting; right there around home.
Question. How far did you wander from home?
Answer. About five miles, I reckon—four or five miles, all around; just where we went; a right straight shoot wouldn't be that far, but winding around the Piney woods it would be.
Question. Were you on horseback?
Answer. Yes, sir.
Question. Did you catch any foxes?
Answer. No, sir; we didn't catch any that night.
Question. Was anybody with you at any time?
Answer. That night?
Question. Yes, sir.
Answer. Only Mr. Dunn.
Question. Did you meet any young men that night?
Answer. No, sir.
Question. You say you were at Mrs. Edwards's house that night?
Answer. Tuesday night? Yes, sir.
Question. What time were you there?
Answer. I told you I suppose we left there just about dark. It is where I live.
Question. What time were you at Woodward's?
Answer. I have no idea. He lives not more than a mile from where I live, and I suppose it was getting dark or dusk when I left home, and we went on over above his house and struck a fox—through his field from there, and part of his hands proposed to go with us, but their horses were in pasture, and they didn't go.
Question. Did you go to any grocery during the night?
Answer. No, sir, we did not.
Question. Did you go to any store?
Answer. No, sir.
Question. Did you take any liquor during the night?
Answer. No, sir.
Question. You met nobody during the night?
Answer. No, sir.
Question. Did you see any one from the time you left Woodruff's house until next morning?

Answer. No, sir.
Question. Where did daylight find you?
Answer. Up there near the cross-roads, right in the Piney woods, at what is called Old Field, the Jarrold's Field.
Question. Was it a moon-shiny night?
Answer. I have almost forgotten now.

By Mr. RICE:

Question. You know whether it was light or dark, don't you?
Answer. It was light enough for us to see after we got over the woods.

By the CHAIRMAN:

Question. Did you have any pistol with you?
Answer. No, sir.
Question. Did Dunn have any?
Answer. Yes, sir.
Question. Did you have any gun?
Answer. No, sir.
Question. Did you have dogs with you?
Answer. Yes, sir.
Question. You found no game at all?
Answer. No, sir.
Question. And hunted in the woods all night long?
Answer. Yes, sir.
Question. And did not lie down at all?
Answer. No, sir.
Question. On horseback all the time?
Answer. Yes, sir.
Question. Traveling most of the time?
Answer. Yes, sir. We ran a fox, but we didn't catch him, though. We jumped him directly after we left home, and run him all around there. That is why I said I supposed we traveled about five miles in a circle.
Question. Would it take all night long to travel five miles, until about 8 o'clock?
Answer. Of course not, if we were not hunting; but when the dogs run sometimes we would back-track two or three times.
Question. Do you mean to say that you traveled all night long, and only traveled four or five miles?
Answer. For the distance we traveled, winding around, I could not say how many miles; but, I say, from where I lived right straight through it would be about five miles; but riding around two or three times over the same ground it would be more.
Question. Did you come upon any house or building of any kind during the night?
Answer. Yes, sir.
Question. Whose?
Answer. It was an old out-house in the old Jarrold field?
Question. Was anybody there?
Answer. No, sir.
Question. Did you come upon a house where anybody lived during the night?
Answer. Well, when we run the fox around Woodruff's, we passed by some of the houses along there.
Question. Did anybody see you?
Answer. Yes, sir.
Question. Who saw you during the night?
Answer. The hands on Mr. Edwards's place.
Question. But that was when you started; did anybody see after you left?
Answer. No, sir.
Question. You saw nobody, and nobody saw you?
Answer. No, sir; but they heard our dogs running.
Question. Did either of you fire off your guns or pistols during the night?
Answer. No, sir.
Question. Did you hear any discharge of firearms during the night?
Answer. No, sir.
Question. Now how do you know that was Tuesday night? What day of the month was it?
Answer. I am the poorest hand to keep the day of the month you ever saw, I reckon.
Question. You said awhile ago it was Monday night. How do you know it was Tuesday night?
Answer. Because I was at the camp-ground, at preaching, on Sunday, and protracted meeting was still going on; preaching one sermon in the day and one at night, and I went to his house, and I and him started for church.
Question. Sunday night?

Answer. Monday night; and we got up to the preacher's house and we found out there was no preaching that night, and we turned around and came back to his house, and staid all night.

Question. Monday night?

Answer. Monday night.

Question. Then, on Tuesday morning at 4 o'clock you were at Dunn's house, were you?

Answer. Just before day we got up and went hunting.

Question. On Tuesday morning?

Answer. Yes, sir.

Question. How early?

Answer. I have no idea; the chickens were crowing.

Question. Was it before daylight?

Answer. Yes, sir.

Question. Before daylight you and Dunn got up and went hunting?

Answer. Yes, sir.

Question. How far did you go from his house?

Answer. How far did we go?

Question. Yes, sir.

Answer. We didn't go very far; he lived right in the edge of the Piney woods, within half a mile of the old Jarrold field.

Question. Did you see anybody while you were hunting, Tuesday morning.

Answer. Let me see. [A pause.] I didn't see any one until we came off of the race.

Question. Until you came off of the what?

Answer. Off of the fox race.

Question. What time did you come off of the fox race?

Answer. I reckon it was about 8 o'clock or 9; I can't specify the time, for I paid no attention about time. I suppose, though, the families were all done eating.

Question. Did you stop at any place that night or in the morning?

Answer. No, sir; we did not.

Question. Were you in the woods all the time?

Answer. Yes, sir; until we quit and went on home, and then we went driving on Tuesday after we came off of the race.

Question. Then you went driving on Tuesday?

Answer. Yes, sir.

Question. And then went hunting Tuesday night?

Answer. Yes, sir.

Question. And what did you do Wednesday?

Answer. What did I do Wednesday?

Question. Yes, sir.

Answer. We went hunting Tuesday night, and I went back and took breakfast at Mr. Dunn's Wednesday, and staid there awhile, and I went home. I went home and had some timber got out to make an axle-tree.

Question. Where were you Wednesday night?

Answer. Wednesday night? I was at home.

Question. You staid at home that night?

Answer. Yes, sir.

Question. Was Dunn with you?

Answer. [A pause.] No, sir.

Question. You and Dunn are very good friends, are you not?

Answer. Yes, sir.

Question. Is he a young man like yourself?

Answer. Yes, sir; he is a married man.

Question. Is he given to drinking?

Answer Well, he drinks a little sometimes.

Question. Does he own land?

Answer. No, sir; he doesn't.

Question. What does he follow for a living?

Answer. Farming.

Question. He rents land?

Answer. Yes, sir.

Question. Do you own land?

Answer. Yes, sir.

Question. Do you follow farming for a living?

Answer. Yes, sir.

Question. What do you know about Dunn belonging to the Ku-Klux?

Answer. I don't know anything about it.

Question. Did he never tell you he did?

Answer. No, sir.

Question. Did you never hear that he was a Ku-Klux?

Answer. No, sir.
Question. Did you ever see him have a disguise on?
Answer. No, sir.
Question. Did you ever see him with one, or hear him tell you he had a disguise?
Answer. No, sir.
Question. Did you ever know him to be out on any excursion with Ku-Klux?
Answer. No, sir.
Question. Did you ever see a Ku-Klux?
Answer. If I did I didn't know him.
Question. Did you ever see any one with a Ku-Klux disguise on?
Answer. No, sir.
Question. You have heard a good deal said about Ku-Klux?
Answer. Yes, sir; I have heard right smart talk said about Ku-Klux.
Question. You have heard that there was a Ku-Klux organization in Choctaw County, have you not?
Answer. [A pause.] Heard that there were a Klan there?
Question. Yes, sir.
Answer. [A pause.] Yes; I have heard that there was Ku-Klux there, but I never saw them.
Question. You have heard of their murdering negroes after night, have you not?
Answer. Well, I heard they were murdering, but I didn't know who done it.
Question. You heard it was done by men in disguise, did you not?
Answer. Yes, sir.
Question. You have heard of a good many negroes being whipped, too, by the Ku-Klux, have you not?
Answer. [A pause.] Heard that they had been whipped?
Question. Yes, sir.
Answer. Yes, I think I have.
Question. You have heard of a good many cases of that kind, have you not?
Answer. I can't say a good many; I have heard of one or two being whipped.
Question. You have heard of negro school-houses or churches being burned too, have you not?
Answer. Yes, sir.
Question. You have heard that that was done by Ku-Klux, have you not?
Answer. Yes, sir.
Question. Were you ever present when any one was initiated as a Ku-Klux?
Answer. No, sir.
Question. Did you ever hear any one take an oath or obligation as a Ku-Klux?
Answer. No, sir.
Question. Did ever any one tell you he had taken up with or joined the Ku-Klux?
Answer. No, sir.
Question. You are pretty well acquainted with the young men about your part of the country, are you not?
Answer. Yes, sir.
Question. Have you not heard that some of them went out Ku-Kluxing?
Answer. No, sir.
Question. Never heard of such a thing?
Answer. No, sir.
Question. Where did you hear that these Ku-Klux came from that did all these things in Choctaw County?
Answer. Well, I didn't hear where they came from; I just only heard that there were negroes being whipped, and it was supposed that the Ku-Klux done it.
Question. Who did the people suppose these Ku-Klux were?
Answer. I never heard.
Question. Did they suppose they were the spirits of the confederate dead?
Answer. I am not able to say. I never heard one say anything about it.
Question. Did you ever hear that they were in the habit of riding around at night, disguised and armed?
Answer. That they were riding around?
Question. Yes, sir.
Answer. I think I have.
Question. Did you ever see any riding around?
Answer. I never have, sir.
Question. Did you ever see one that had seen one?
Answer. No, sir, I never have.
Question. You never asked any questions about it?
Answer. No, sir.
Question. You never had any curiosity about it, had you? You never had any curiosity to pry into this thing when you would hear about it, did you?
Answer. No, sir.

Question. How did it happen that you did not inquire into these things when you heard of men riding around at night with fantastic disguises on, and whipping and killing negroes? Why was not your curiosity excited about it?

Answer. Well, from the simple fact that it did not concern me in no way, and that I had heard of them whipping negroes, and I didn't feel disposed to—I didn't want to find anything out about them, no way.

Question. Why didn't you want to find it out? Were you afraid it would implicate your friends?

Answer. O, no, sir.

Question. Why had you no curiosity, then?

Answer. Well, from the simple fact that I didn't want to have nothing to do with it. I didn't want them to have nothing to do with me.

Question. Were you afraid they might pounce down upon you, if you were too curious about these things?

Answer. No.

Question. You were not afraid of them, were you?

Answer. Well, I had never seen one.

Question. You had no fears of them yourself, had you?

Answer. Well, yes, sir; I thought if I meddled when it didn't concern me, I didn't know what they might do.

Question. Had you heard they were in the habit of Ku-Kluxing men that pried too closely into their matters?

Answer. No, sir; I never did.

Question. Then why were you afraid to inquire?

Answer. Well, I never—I never—I always attend to my own business, and let everybody else attend to theirs; and it didn't concern me in no way, and I didn't care to know anything about them.

Question. When you hear anything curious or extraordinary, is not your curiosity excited to inquire all about it generally? [A pause.] Come, be quick. You pause a very long while between your answers.

Answer. Where it don't concern me I don't; where I am not interested.

Question. You abstained from inquiring, then, in the first place, because you have no curiosity, and, in the second place, were afraid you might draw the anger of the Ku-Klux down on you. Is that right? [A pause.] Come, don't hesitate so long; we are in a hurry, and want you to give prompt answers. You understand my question, do you not?

Answer. What was your question?

Question. I will repeat it. Did you abstain from prying into these matters, first, because you had no curiosity, and next because you were afraid of drawing upon yourself the anger of the Ku-Klux?

Answer. Yes, sir.

Question. Now, did you ever hear what these negroes were Ku-Kluxed for?

Answer. No, sir, I never did.

Question. Had you no curiosity to inquire?

Answer. No, sir.

Question. Did you understand that these negroes who had been whipped or killed had committed any crime or offense?

Answer. No, sir.

Question. You understood they were good negroes, did you?

Answer. Well, I never understood what sort of negroes they were, only I could just hear that there was such and such a negro killed, but what he was killed for I do not know.

Question. Did you understand they had incurred the vengeance of the Ku-Klux from some cause or other?

Answer. What?

Question. That they had incurred the hatred of the Ku-Klux from some cause or other?

Answer. No, sir.

Question. Did you understand that they were killed just in mere sport?

Answer. I did not understand what they were killed for, at all.

Question. You never made any inquiries?

Answer. No, sir; only I could hear some talking that they were thieves, and were stealing, and so on.

Question. Did you understand that this Ku-Klux order was gotten up for the purpose of punishing thieves?

Answer. No, sir, I didn't understand that.

Question. What did you understand it was got up for?

Answer. I never heard what it was got up for.

Question. Did you understand it was to kill off radicals?

Answer. No, sir.

Question. Did you understand it was to make the negroes vote right?
Answer. No, sir.
Question. You voted the democratic ticket yourself, didn't you?
Answer. I never have voted in my life.
Question. Have you never voted at all?
Answer. No, sir.
Question. How old are you?
Answer. I will be 22 the 2d of December, sir.
Question. Did you understand that these Ku-Klux had their signs, grips, and passwords?
Answer. No, sir.
Question. Were you ever present in any room where the men supposed to be Ku-Klux were assembled?
Answer. No, sir.
Question. Did you ever join any secret society?
Answer No, sir.
Question. Were you ever asked to join any?
Answer. No, sir.
Question. Did you ever take any oath outside of a court?
Answer. No, sir.
Question. Did you ever sign any constitution of any secret order?
Answer. Did I ever?
Question. Yes.
Answer. No, sir.

By Mr. RICE:

Question. How many horses have you?
Answer. I and my mother together?
Question. You, yourself.
Answer. I have two—two mules, at least.
Question. Did you ride a mule on the fox-hunt, or a horse?
Answer. I rode a mule.
Question. Did you ride a mule when you went up to Dunn's to go to the camp-meeting?
Answer. Yes, sir.
Question. The same mule you rode on the fox-hunt?
Answer. Yes, sir.
Question. The same mule you rode on the drive?
Answer. Yes, sir.
Question. You say you left Dunn's on Tuesday morning before daylight on the first hunt?
Answer. Yes, sir; I think it was a little before day.
Question. And got back, when?
Answer. Got to our house after they eat breakfast.
Question. To whose house?
Answer. At my mother's.
Question. That was Tuesday morning?
Answer. Yes, sir.
Question. How long did you stay there?
Answer. I didn't stay there very long before I went driving.
Question. How long were you out on the drive?
Answer. I didn't have any time-piece; I don't know exactly.
Question. How much of the day?
Answer. When we broke up the sun was somewhere about two hours and a half high.
Question. Two hours and a half before sun-down?
Answer. Yes, sir.
Question. Where did you get your dinner?
Answer. On William Woodruff's place.
Question. Who were with you on the drive?
Answer. This young man Dunn, Henry Church, and Woodruff.
Question. Four of you were on the drive?
Answer. And four negroes were with us on the drive.
Question. Where did you go to after the drive?
Answer. We went down to my mother's.
Question. What did you drive that day—what did you find?
Answer. We didn't find anything.
Question. How long did you stay at your mother's after you got there?
Answer. That evening?
Question. Yes.
Answer. We staid there all night.

Question. Tuesday night?
Answer. Yes, sir; not all night. We staid there and went fox-hunting, as I related to you.
Question. How long did you stay at your mother's? You didn't fox-hunt there?
Answer. We staid there; we left there after dark—about good dark.
Question. Where did you get your breakfast next morning?
Answer. At Dunn's, Wednesday morning.
Question. About what time?
Answer. I reckon it was between 8 and 9 o'clock; supposed to be about that time. They had finished eating when we got there.
Question. What time did you get home from there?
Answer. I don't know; it was tolerably late. I left there, I don't know exactly what time.
Question. Did you leave Dunn's soon after you got your breakfast?
Answer. I staid there about an hour or longer.
Question. And you got home in the afternoon of that day?
Answer. No, sir; I got home just before dinner.
Question. And you went to work the balance of the day?
Answer. Yes, sir.
Question. What gait did you ride in fox-hunting—a walk?
Answer. Sometimes in a walk, sometimes a trot, and sometimes in a lope.
Question. And on the drive the same way?
Answer. No, sir.
Question. How did you ride then?
Answer. Well, when we drive, we drive to our stand, and hitch our horses, and wait till the driver comes through with the dogs.
Question. Were you a driver or a stand that day?
Answer. A stander.
Question. You rode the same mule from 4 o'clock Tuesday morning until you went home Wednesday evening?
Answer. Yes, sir.
Question. You say you staid at home Wednesday night?
Answer. Yes, sir.
Question. What did you do Thursday?
Answer. What did I do Thursday?
Question. Yes.
Answer. [A pause.] I didn't do anything Thursday.
Question. Did you stay at home?
Answer. No, sir.
Question. Where did you go?
Answer. I went up to Major Sample's.
Question. Whom did you see at Major Sample's?
Answer. Saw Bill; I saw the two sons.
Question. Where did you go from there?
Answer. I came back home.
Question. That night?
Answer. No; we staid all night there.
Question. What did you do next day?
Answer. I came back home.
Question. What time did you get home?
Answer. It was a sort of drizzling rain; I don't know what time it was; it was along late in the day.
Question. Did you stay all night at home that night?
Answer. Let me see, now; when was that?
Question. It was the night after you were at Sample's. Did you stay at home the next night after you were at Sample's?
Answer. To-day is Saturday, isn't it?
Question. Yes; but where did you stay the next night after you were at Sample's?
Answer. We came on up here then. I left home yesterday evening, and came from there here.
Question. You got home from Sample's late in the day, yesterday?
Answer. Yes, sir.
Question. You left immediately to come here?
Answer. Yes, sir.
Question. Where does Dunn live?
Answer. He lives about a quarter or a half mile of the cross-roads.
Question. Where do the cross-roads run to?
Answer. It is between Tompkinsville and De Sotoville.
Question. Do you know Charles Bran?
Answer. Yes, sir.

Question. Where does he live?
Answer. I don't know exactly where he lives; over in Marengo part of the time, and in Choctaw.
Question. Where does he live when he is in Choctaw?
Answer. He lives up there close to Pelham; I don't know that he is living in Marengo, but he stays there part of the time.
Question. He lives up close to Pelham when he is in Choctaw?
Answer. Yes, sir.
Question. That is on the Choctaw side?
Answer. Yes, sir.
Question. Do a number of young men there get together occasionally, of nights?
Answer. No, sir.
Question. How many is the most you have ever had together?
Answer. At night?
Question. Yes.
Answer. I think about some time last week there was six or seven of us fox-hunting; maybe some more—maybe more than that number; I don't know unless I would count them up.
Question. Did you ever meet together at any house?
Answer. Yes, sir.
Question. Did you have any organization by which you were to stand by each other?
Answer. No, sir.
Question. No agreement of the kind?
Answer. No, sir.
Question. What does Charles Bran do for a living?
Answer. Well, he is working there on his mother's place, with his brother-in-law. I don't know whether he is working there for part of the crop, or for standing wages. I don't know how it is; but he works on the farm; whether he goes on his own hook or not, I don't know.
Question. Have you been with him in the last week or two?
Answer. No, sir.
Question. You have not seen him?
Answer. I saw him—I forget whether it was this week or last; he was at our gin.
Question. Is he a steady man?
Answer. Charlie?
Question. Yes.
Answer. Yes, sir; he is tolerably steady.
Question. Does either Charlie Bran or Morris Dunn live this side of Tompkinsville?
Answer. Morris Dunn lives west of Tompkinsville, between De Sotoville and Tompkinsville. He lives about half or quarter of a mile from the cross-roads.
Question. Does Charlie Bran live this side of there?
Answer. His mother lives up close to Pelham.
Question. That is this side of where Dunn lives?
Answer. It is northeast of where Dunn lives.
Question. Toward Tompkinsville?
Answer. He lives up there; I can't think of the name of the place.
Question. Which way from Tompkinsville?
Answer. Sort of north of Tompkinsville.
Question. Is it this side or beyond Tompkinsville from here?
Answer. This side.
Question. How far?
Answer. How far from Tompkinsville?
Question. Yes.
Answer. About thirteen miles.
Question. Thirteen miles this side of Tompkinsville?
Answer. The road around the way he lives, I suppose, is fifteen miles, but right straight, perpendicular, isn't that far.
Question. The way the road runs it is about thirteen miles, but the way he goes it is nearer?
Answer. Yes, sir.
Question. Is there a bridle-way across?
Answer. I don't know whether there is or not.

By the CHAIRMAN:

Question. Were you ever present when any negroes were whipped?
Answer. No, sir.
Question. Were you ever present when any negro was shot?
Answer. No, sir.
Question. Or hung?
Answer. No, sir.

Question. Or shot at?

Answer. No, sir.

Question. Were you ever near to any place where a negro was killed at the time he was killed?

Answer. Was I ever near where a negro was killed? Well, there was one killed up there at De Sotoville, about within six miles.

Question. Who was that?

Answer. Let me see; I forget how long ago that has been—a year ago. I think it was Dud Woodward.

LIVINGSTON, ALABAMA, *November* 3, 1871.

JAMES D. HATTER sworn and examined.

The CHAIRMAN. This witness having been called on the part of the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Doctor, state your residence, if you please.

Answer. I live near Pelham, Choctaw County.

Question. State, Mr. Hatter, if you were at Black's Bluff all night Monday night?

Answer. Yes, sir; I was there all night. I sat up with a sick friend all night.

Question. At what place were you at the bluffs?

Answer. At the warehouse.

Question. Is there any other house there?

Answer. Yes, sir; there is a house there, where Mr. Tarvin lives.

Question. You were at the warehouse?

Answer. We were at Tarvin's house, adjoining the warehouse, a few yards distant.

Question. You say you were there sitting up with a sick friend?

Answer. Yes, sir; a young man that was with a company hunting—with a party of us there—and was taken sick.

Question. Do you know Charles Bran and Morris Dunn?

Answer. Yes, sir.

Question. Where do they live?

Answer. In Choctaw County. Mr. Bran is a near neighbor of mine; in about three miles of me. Mr. Dunn in about eight miles of me.

Question. Was either of them at Black's Bluff that night?

Answer. No, sir; Mr. Bran was in Marengo County.

Question. Do you know a negro by the name of Robert Fullerlove?

Answer. Very well.

Question. Was he at Black's Bluff that night?

Answer. No, sir.

Question. Do you know where he lives?

Answer. Yes, sir; he lives within a mile of Tompkinsville.

Question. In coming from Tompkinsville to this place he would pass by Black's Bluff?

Answer. No, sir; he would come seventeen miles out of his way to get here, coming by Black's Bluff, and there is no road leading from Tompkinsville to Black's Bluff.

Question. Do you think it possible for a man to pass between Black's Bluff and Tompkinsville directly?

Answer. I do not, sir. I live between Tompkinsville and Black's Bluff, and I have been raised in there; I have hunted all through it a thousand times—through the hills and river swamps; and I would not undertake to go through there in the night under any consideration.

Question. This man, Robert Fullerlove, said he had a subpœna to appear before this committee, and that he left home Monday at 10 o'clock; and at 4 o'clock on Tuesday morning he was at Black's Bluff; that the house there was lighted up; that there were a number of men with guns sitting around, and that he stopped at the place and some man called him by another name; that he answered to that name; and that he then went off in the direction of this place; that Charles Bran and Morris Dunn followed him, knocked him down, and beat him on the road. Did any such occurrence take place? Did any negro call there that night?

Answer. No, sir. No negro came there at all. I sat up all night myself. I sat up there five nights with a young man myself, and he died on Tuesday.

Question. On Tuesday morning?

Answer. On Tuesday night about 7 o'clock.

Question. He said that he went up to the house, saw it lighted up, and that there were a number of gentlemen there, and one asked him, "if my name was John Down, or Town."

Answer. I know that boy John very well; he lives on an adjoining plantation to me. He lived three years with me since the war; but no one came at all that night.

Question. He said that some one called out to him from within the house, "Is that you, John Down?" He replied, "Yes," and then passed on, after which two men came out of the house and followed him that he said were Morris Dunn and Charles Bran.

Answer. No one left the place that night or came there. I was up all night long myself.

Question. Neither Bran nor Dunn was there that night?

Answer. No, sir; I do not suppose, if you turned Morris Dunn loose now, he could find the way to Black's Bluff in a week; he never was there in his life.

By the CHAIRMAN:

Question. How do you know where Bran was that night?

Answer. I have seen him since. I saw him the day we buried that young man, on Thursday; and Mr. Smith and him told me that Bran's horse died, on the other side of the river, Monday, and he walked home, and got home Monday night, at 11 o'clock, from Marengo.

Question. Then he was at home on Tuesday?

Answer. Yes, sir.

Question. In Choctaw County?

Answer. Yes, sir.

Question. I understood you to say he was in Marengo County on Tuesday morning?

Answer. He was in Marengo County on Monday.

Question. And Choctaw County on Tuesday?

Answer. Yes, sir. He got home Monday night—a-foot.

Question. You do not know where he was Tuesday morning?

Answer. I do not.

Question. Do you know where Morris Dunn was Tuesday morning?

Answer. No, sir; I do not.

Question. Who were at this house where you were sitting up with this young man?

Answer. There were Mr. Samples, Mr. Titmore, Mr. Tarvin, the young man's brother, and myself.

By Mr. BLAIR:

Question. Are all these men here in town now?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were you subpœnaed to appear here?

Answer. Yes, sir.

Question. Where were you subpœnaed here in town?

Answer. At Black's Bluff, last night.

Question. Do you live at Black's Bluff?

Answer. No, sir; I live 12 miles from Black's Bluff.

Question. Black's Bluff is in this county. In coming from Tompkinsville to this place, by Black's Bluff, it would be quite as near as the usually traveled road, would it not?

Answer. Seventeen miles out of the way anyway.

Question. But if a man came from Tompkinsville, by Black's Bluff, to this place, it would be as near as by the usually travelled route?

Answer. Black's Bluff here?

Question. No; if he were coming from Tompkinsville, and passed Black's Bluff, would it not be as near as the usually traveled road?

Answer. No, sir; not by seventeen miles.

Question. How do you make that by the map? Is Black's Bluff about the place where Brashier's Ferry is marked on this map? [Referring to the map of Alabama.]

Answer. Yes, sir.

By Mr. BLAIR:

Question. Is there any ferry at Black's Bluff?

Answer. No, sir.

Question. Can Brashier's Ferry be the same place as Black's Bluff?

Answer. No, sir; it never was known by that name.

Question. Does the road run across and continue on to Jefferson County?

Answer. No, sir; there is no road to cross at Black's Bluff.

Question. Do you say it is above the mouth of the Cotahager Creek?

Answer. Yes, sir.

By the CHAIRMAN:

Question. About five miles above?

Answer. No, sir; not quite so far.

Question. Is that north of Jefferson?

Answer. It is northwest of Jefferson.
Question. Would that not place it about where Brashier's Ferry is marked here?
Answer. Yes, sir.
Question. Would it not be north of what is marked here as Brashier's Ferry?
Answer. Yes, sir; it is almost a due west course from Jefferson.
Question. Now, I ask, on a direct line from Tompkinsville to Livingston, whether Black's Bluff would be much out of the way.
Answer. It is a long ways out of the way.
Question. According to the map, is it?
Answer. I know the road, I reckon, better than that man that laid it down, for I was raised there.
Question. Do you say that is not a true map?
Answer. I don't know. I know one thing: it is a long ways out of his way to come from Tompkinsville, by Black's Bluff, coming to Livingston.
Question. How far is it west of Jefferson to Black's Bluff?
Answer. Eight or nine miles.
Question. How much east of Livingston is Black's Bluff?
Answer. Black's Bluff is nearly a southeast course from here.
Question. How much east of Livingston would Black's Bluff be?
Answer. It would be about, I suppose, ten or twelve miles.
Question. Is Black's Bluff nearly north of Tompkinsville, or west of north?
Answer. It is northeast from Tompkinsville.
Question. What is the distance by the usually traveled route from Tompkinsville to Livingston?
Answer. I suppose thirty-seven or thirty-eight miles.

By Mr. BLAIR:

Question. When you say it is from fifteen to seventeen miles farther to come from Tompkinsville, by Black's Bluff, to Livingston, do you not mean than by any traveled route?
Answer. Yes, sir, by any traveled route, and there is no route he could go through there in the night and save his life.

By the CHAIRMAN:

Question. Could he not go through the plantations?
Answer. No, sir, he could not cross the Kintabish Creek in the night. There is not a ford on it. I know the road. He has got to travel through the mountains three or four miles before he gets to the creek; and the bank of the creek is about seven feet, perpendicular, and would bog a horse to his saddle-skirts; and he has to jump out of that bog to the bank, and there is no horse in the State could do it.
Question. Does the road from Tompkinsville go through Gaston?
Answer. Yes, sir.
Question. Is not that out of the road?
Answer. He may go through Gaston or leave it two miles to the right. Either is a public road, going by Washington's store, which is the nearest route; but either is a public road.
Question. How long have you lived in that neighborhood, Doctor?
Answer. I have been there nearly fifteen years.
Question. Where were you during the war?
Answer. I was in the war all the time.
Question. Were you a surgeon in the confederate army?
Answer. I was a private, sir.
Question. Have you ever heard of the Ku-Klux Klan in Choctaw County?
Answer. I have heard some talk of them.
Question. Have you not heard a great deal of talk?
Answer. Occasionally there is right smart talk about them down there.
Question. You have heard of a good many outrages in Choctaw County upon negroes—whipping and killing?
Answer. I have heard of a few negroes being killed.
Question. How many—a dozen or fifteen?
Answer. No, sir.
Question. How many?
Answer. I suppose four or five.
Question. Is that all, from first to last?
Answer. Yes, sir.
Question. How many negroes have you heard of being whipped?
Answer. I have not heard of any at all. This negro said he was whipped. He is the first negro I ever heard of being whipped.
Question. You have not heard of a single negro being whipped in Choctaw County, except Fullerlove?
Answer. Yes, sir.

Question. Are you pretty generally acquainted in Choctaw County?
Answer. Yes, sir; I know nearly every man in it.
Question. Your riding is pretty extensive in your profession?
Answer. Yes, sir; I ride about a good deal.
Question. Did you ever see any of these men in disguise?
Answer. No, sir; never.
Question. You have heard that there were bands of men riding through the country at night, in disguise?
Answer. No, sir; I never heard of any organized band in our county.
Question. Have you heard of bands of men riding through the country, at night, in disguise?
Answer. No, sir; I never heard of any being disguised there at all.
Question. You never heard of any man being disguised in Choctaw County?
Answer. No, sir; never.
Question. Did you not hear that the men who killed these negroes were disguised?
Answer. No, sir.
Question. Did you hear that that was done at night?
Answer. I heard they were killed during the night.
Question. Did you understand that the men who were there were in disguise?
Answer. I never heard any one say whether they were disguised or not; I never made any inquiry. It didn't concern me. I heard the negroes were killed. I paid no attention.
Question. You had no curiosity?
Answer. None in the world. If they didn't interfere with me I didn't interfere with them. I just let them go.
Question. Is the life of a negro of so little importance in the community that it excites no inquiry at all when killed by a crowd of men at night?
Answer. It might among some people, but down in our neighborhood we have had none of it, and paid no attention to it. We did hear of it, that a negro was killed, and that was the last of it. We never knew who did it or made any inquiries. I never made any, for it didn't concern me.
Question. Did you ever hear of any one being prosecuted for killing these negroes?
Answer. No, sir.
Question. Did you ever hear of any attempt made to find out who killed them?
Answer. Yes, sir.
Question. What kind of attempts?
Answer. I have heard of writs being issued for them, and constables and deputy sheriffs riding after them, but I don't know.
Question. With warrants?
Answer. Yes, sir.
Question. Did the warrants describe the men?
Answer. I don't know.
Question. How could a warrant issue without it contained the name of the party to be arrested?
Answer. It may have contained the name and description; I never saw it or read it. I heard there were warrants out in the hands of the officers. I never saw them.
Question. Warrants for whom?
Answer. For those men that killed the negroes. I don't know who.
Question. Did you understand that they were issued by justices of the peace, or from the circuit court?
Answer. Justices of the peace, I suppose. There was no circuit court in session there then.
Question. And who did you understand lodged a complaint?
Answer. I never learned that even.
Question. You never understood that any one was arrested or taken?
Answer. No, sir.
Question. Did you understand what these negroes were killed for?
Answer. No, sir.
Question. You never heard the cause assigned?
Answer. No, sir.
Question. Never had any curiosity upon the subject?
Answer. No, sir.
Question. Were those men said to have signs, pass-words, and grips by which they recognized each other?
Answer. I don't know; if they had they never gave me any. If I have seen one I never knew him.
Question. You never saw a Ku-Klux, to your knowledge?
Answer. No, sir.
Question. Did you ever talk to any one that had seen one?
Answer. No, sir.

Question. Did you ever talk with any one who professed to know anything about this Ku-Klux Klan?

Answer. No, sir; never. There are only a few of us down in the bend of the river—a half a dozen of us—and we never go out anywhere except when we go off on a camp, or something of the sort.

Question. I understood you to say you rode over the county, and knew almost everybody?

Answer. I do know almost every man in Choctaw County.

Question. Then you hear a good deal?

Answer. Sometimes I do; riding around I hear rumors.

Question. You hear a good deal of Ku-Kluxing?

Answer. I hear men talking about it, but pay no attention to it.

Question. You make no inquiries?

Answer. No, sir.

Question. Who have you heard talk about it?

Answer. Different people.

Question. Do they talk as if there were any Ku-Klux?

Answer. They didn't say—that a negro had been killed and they supposed the Ku-Klux did it, and nobody knew who they were.

Question. Has any attempt been made to find out what the Ku-Klux are?

Answer. Only what I told you just now; I heard there had been a writ issued for them.

Question. Do you belong to any secret society yourself?

Answer. No, sir.

Question. Did you ever join any?

Answer. No, sir.

Question. Did you ever take any oath or obligation in any secret society?

Answer. No, sir.

Question. Did you ever understand what kind of an oath or obligation these Ku-Klux take?

Answer. No, sir.

Question. You were never present in any room where a secret society of any kind met?

Answer. No, sir.

Question. Do you believe there is any such secret organization in Choctaw County as the Ku-Klux?

Answer. I do not. I don't think there is. It is not in our portion of the county.

Question. In any part of the county?

Answer. None that I have ever heard of.

Question. Do you believe that any Ku-Klux have ever ridden through Choctaw County?

Answer. I can't say who rides through there. I never have seen any. I never have seen a man that has seen any.

Question. Have you ever heard that they did ride through there?

Answer. No, sir.

Question. You have heard that these negroes were killed by a crowd of men at night?

Answer. Yes, sir.

Question. Do you suppose they were organized for that purpose?

Answer. I could not say; I don't know whether they were or not.

Question. How did you suppose they came together unless they had an understanding what they were to do?

Answer. I can't say. I don't know whether one man killed them or half a dozen or a dozen; but I know if I was going to kill one I would not want a company with me.

Question. Did you never hear?

Answer. No, sir; I have heard that they were killed, and that was all I ever did hear about them. There has never been one killed in our neighborhood.

Question. Did you ever hear of anybody receiving any Ku-Klux notices?

Answer. No, sir.

Question. To leave the country?

Answer. No, sir; never.

Question. Did you hear about Judge Hill being compelled to resign his office as probate judge by being shot at by the Ku-Klux and by receiving Ku-Klux notices?

Answer. No, sir.

Question. You never heard of such a thing as that?

Answer. No, sir. I heard Judge Hill was shot at—that is all. He lived a good long ways from me, and I have known him a long time too.

Question. Had you no curiosity to inquire about the facts?

Answer. None in the world. I never cared anything for that man. I would not have cared if he had been.

Question. What is the trouble?
Answer. I don't like him.
Question. Why not?
Answer. I never liked him before the war, nor since I have known him.
Question. Was he not a radical office-holder?
Answer. I don't think he has much radical about him.
Question. He isn't very well thought of down there?
Answer. Yes, sir; a good many people there think a great deal of him.
Question. But you don't?
Answer. No, sir; and never did.
Question. Did you ever hear that the court was compelled to adjourn on account of the Ku-Klux?
Answer. No, sir. I never go to Butler; I never was at court in my life.
Question. Did you ever hear of any negro churches being burned?
Answer. I heard that there was some churches burned there some time ago—a year or two ago.
Question. Did you hear it was done by the Ku-Klux?
Answer. No, sir; I didn't hear; I did hear who did that too, but I don't know whether it was so or not.
Question. Did you ever hear that any negro schools were broken up or interfered with?
Answer. No, sir; we have negro schools in our neighborhood which are never interfered with.
Question. Did you ever hear of the teachers of negro schools being interfered with?
Answer. No, sir.
Question. Your people are generally in favor of negro schools?
Answer. Yes, sir.
Question. Are they generally in favor of negroes voting?
Answer. Yes, sir; we don't care whether they vote or not; it is left to them; we never ask them to vote or tell them not to vote.
Question. Your people are generally in favor of their voting?
Answer. Yes, sir; just as soon they would vote as not.
Question. No opposition was ever made to it?
Answer. None that I heard of.
Question. Do you expect to make them all democrats?
Answer. No, sir; we don't care whether they do or not.
Question. It doesn't make any difference to you whether the radicals or democrats hold the offices?
Answer. Yes, sir; it makes a difference about it.
Question. Do you seek to promote the success of the democratic party?
Answer. I do, sir.
Question. Did you ever hear that there was any Ku-Kluxing used to compel negroes to vote the radical ticket?
Answer. No, sir; it has never been so, that I have heard of, in our county.
Question. What do you understand those negroes were killed for?
Answer. I don't know; I never understood what they were killed for.
Question. You had no curiosity to inquire?
Answer. None on earth. They were entirely out of our neighborhood, and I asked no questions about them.
Question. Are there no negroes in your neighborhood?
Answer. Yes, sir; more in our neighborhood than any neighborhood in the county. I live on the river.
Question. They are all peaceable and quiet?
Answer. Yes, sir, and have been ever since the war.
Question. Are they well satisfied to remain here?
Answer. Yes, sir.
Question. They don't labor under any fears of being Ku-Kluxed?
Answer. No, sir; not in our neighborhood.
Question. You never hear of their talking of emigrating to any other country?
Answer. I have never heard any one say he wanted to leave.
Question. They are all attached to the country?
Answer. Yes, sir; they were all raised in it, and want to stay there. They all have confidence in the whites.

By Mr. RICE:

Question. Do they all vote?
Answer. Yes, sir; at every election nearly every one votes the radical ticket. Every one on my place does.

By the CHAIRMAN:

Question. Does that give satisfaction to the democrats?

Answer. It does to me. I tell them to go and vote, and I don't care how they vote.
Question. Did you hold slaves during the war?
Answer. Yes, sir.

By Mr. RICE:

Question. You say that on Monday night you were up all night?
Answer. All night.
Question. And several men were there with you?
Answer. Yes, sir.
Question. Were they up, too?
Answer. Yes, sir; all night long.
Question. How near to Black's Bluff would Fullerlove come in coming from Tompkinsville here?
Answer. If he had come the direct road?
Question. Yes; the usually traveled road.
Answer. He would have come in about nine miles.
Question. He swore that at Black's Bluff these men were there that you described—a number of men up at 4 o'clock in the morning. How could he know that fact if he didn't come within nine miles of there?
Answer. I do not know how he knew it. He might have known there were camp hunters there; but he never came there and called anybody; if he came there he never said a word to anybody, for I was up all night long myself.
Question. Coming from Tompkinsville by the direct road here, and getting here on Tuesday, he could not well have known what was going on at Black's Bluff without having been there, could he?
Answer. I do not suppose he could.

By the CHAIRMAN:

Question. Did you know what you were called here to prove?
Answer. No, sir.
Question You did not know what you would be questioned about before you came?
Answer. No, sir; not particularly.
Question. Who told you to come?
Answer. Mr. Whitfield.
Question. Who is Mr. Whitfield?
Answer. He is a gentleman who lives near Black's Bluff. He was here yesterday.
Question. Was he examined as a witness yesterday?
Answer. I do not know whether he was or not.
Question. Whom did you hear you were to be examined before?
Answer. He told me I was to come here to-day before this committee; that was about all.
Question. He told you it was to prove that Robert Fullerlove was not at Black's Bluff?
Answer. No, sir.
Question. It was to prove that you were there—did he tell you that?
Answer. Yes, sir; he said that Fullerlove had been here and said that Bran and Dunn had come from Black's Bluff and whipped him; and I knew that was a lie, for they had not been there.
Question. Then you knew what you were called to testify?
Answer. Yes, sir; I knew pretty well.

By Mr. BUCKLEY:

Question. Were those neighbors of yours that came in to sit up all night?
Answer. No, sir; they lived four or five miles from me.
Question. They rode over, did they, to sit up there during the night?
Answer. Yes, sir; we sent for them.
Question. How did they come—on horseback?
Answer. Yes, sir.
Question. Where did they hitch their horses?
Answer. Right there at the back side of the house, and tied them to a tree and fed them.
Question. They did not put them in the stable?
Answer. There is no stable there.
Question. How far is the house from the road?
Answer. From the road that runs into the bluff?
Question. Yes.
Answer. It is right at the road—right at the warehouse. The road leading to Black's Bluff leads no further than that.
Question. What time of night did this young man die?
Answer. He died about 7 o'clock Tuesday night.

By the CHAIRMAN:

Question. Who subpœnaed you to come here?
Answer. Mr. Whitfield.
Question. Did he read a subpœna to you?
Answer. No, sir.
Question. What do you mean by a subpœna, when you say he subpœnaed you?
Answer. He told me to come.
Question. That you called being subpœnaed here?
Answer. No, sir; I don't call a subpœna anything; he just told me to come.
Mr. BLAIR. I sent word for him to come. I saw Mr. Whitfield and asked him to send this witness. He told me Mr. Hatter was there at the house.

LIVINGSTON, ALABAMA, *November 4, 1871.*

REUBEN CHAPMAN, JR., sworn and examined.

The CHAIRMAN. This witness having been called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Please state your residence and profession.
Answer. I live in this county and this town. I am a lawyer by profession.
Question. You are at present the solicitor of the county?
Answer. Yes, sir.
Question. How long have you been solicitor?
Answer. I have been solicitor since 1868.
Question. There is a statement made in the testimony of Luther R. Smith, judge of this circuit, which I will read: "I forgot to state that, in that county, in Sumter County, in the spring, a house had been attacked. An old man by the name of Chouteau had been notified to leave. An Irishman was at his house guarding it; I do not recollect the name of the Irishman. A party came there that night disguised, and fired into his house; this man fired back at them and one of them was killed. At the spring term of the court, one or two parties—I do not now recollect which—but one party I know was indicted for the crime of arson. I learned from the solicitor, at the next term of the court, that every one of the witnesses, except this man Chouteau, who had left the county, had been killed within six months after the indictment was found." Did you ever make any such statement as that to Judge Smith?
Answer. No, sir.
Question. Is it a fact?
Answer. It is not a fact.
Question. I mean this: is it fact that every one of the witnesses in this arson case, the burning of the house of Chouteau, who had left the county, had been killed within six months after the indictment was found?
Answer. No, sir; and there never was but one killed that I ever heard of. I may have told Judge Smith that there was one of the witnesses killed; I heard that there was one, I think, by the name of George Farmer; I think that is the name, and that is the only witness. I heard he was found dead in the upper part of the county, and that is the only witness killed, to my recollection, that I ever heard of, and there were about ten witnesses marked on the indictment. The others I know were not killed, and lived long in this town. Mrs. Chouteau, who is a witness; and Mrs. Chouteau's mother, who was a Mrs. Morris; and Dr. Chouteau's son, another witness; and Miss Price, who was a sister to Daniel Price, who was formerly clerk to the circuit court here—those witnesses lived here in the town a good long time after the indictment was found.

By Mr. BUCKLEY:

Question. Were they witnesses in the arson case?
Answer. Yes, sir; that is the one I speak of.
Question. The burning of a house in the upper part of the county?
Answer. Yes, sir; that is the case I refer to.

By Mr. BLAIR:

Question. He states: "At the spring term of the court, one or two of the parties, I do not now recollect which, but one party I know was indicted for the crime of arson. I learned from the solicitor at the next term of the court that every one of the witnesses, except this man Chouteau, who had left the county, had been killed in the county within six months after the indictment was found."
Answer. I never heard of it.

Question. He refers to the indictment for arson, and states that you gave him that information.

Answer. I never gave him such information, and I know the contrary to be the fact, and I have known all the time that they were living, many of them. Some I do not know; some of the witnesses I do not know at all—some of the freedmen. There are among the witnesses some female freedmen as well as male. This boy, George Farmer, was one of the witnesses, and I may have told Judge Smith that he was killed. I heard so; but none of the others. The fact is, they were not killed, that I have ever heard of.

Question. I wish you to state what you know in regard to the condition of this county as far as peace, good order, and the execution of the law are concerned?

Answer. Well, sir, at present, and for twelve months past, we have had as quiet and orderly a county as I know of, and as orderly a county as it was before the war, sir. I have lived in this county, with the exception of two or three years preceding the war, and then I lived in an adjoining county. It is as quiet, and there is, I think, as little crime as there was before the war, so far as I have heard. There have been since the surrender, however, several crimes committed. These were immediately after the war, and originated from various causes. One class of crimes immediately after the surrender was that of a pretty general larceny of Government cotton—what was known as "Government cotton." We had turned loose upon us here a good many men from both the armies—Federal and confederate—young men without families and without homes; and while they were here—there are not very many of them left now—there was a good deal of stealing done, in 1865, and some in 1866, and some crimes consequent upon that. Since then, during the very exciting times in our elections in 1867 and 1868, there was a good deal of political excitement here and some crimes were committed by both blacks and whites. Since those excitements have passed over, I think we have had comparatively a very quiet time. Some offenses have been committed that arose as they would arise anywhere, from personal, private difficulties, private quarrels. But the general condition of the county has been for twelve or eighteen months past very quiet, sir.

Question. Was there, and is there still, any difficulty in raising and keeping stock in this county?

Answer. There is none at all, except its being stolen; the freedmen steal a good deal of it, sir; that is the only difficulty I know of; we cannot let our stock run out.

Question. Is there much, or has there been much, destruction of stock in that way?

Answer. Yes, sir; there has been a great deal.

Question. Have the people pretty much given up raising their own meats here?

Answer. Yes, sir; we have to keep up our stock, all we raise, particularly in the upper portion of the county. This town is just on the border of what is known as the prairie country above here, which extends through the upper portion of the county. In the lighter land below here, in the southern portion of the county, they raise more stock than in the northern. The relative colored population is much less below than it is above, and the range is greater.

Question. It has been stated here by some of the witnesses that there was a great deal of intimidation employed by the white men here to compel the negroes to vote the democratic ticket.

Answer. I never heard of any, sir. I have never known of a single case; never heard of a single case, and I have made it, as it is made by law, a part of my official duty to inquire of all such cases; and I have done so. I have never heard a case of the kind. On the contrary, during the last election, I know that the candidates themselves, whenever I heard any expression of opinion from them and their immediate friends, gave the largest latitude to the exercise of the freedom of the ballot. I have heard some candidates I know, in speaking to freedmen on that subject, to refuse even directly to electioneer with them—to refuse to ask their votes except on general principles. They would make speeches, and, on general principles, would electioneer with any crowd; but I have heard them decline to ask colored persons to vote for them.

Question. How do you account for the fact that a large number of the freedmen did vote the democratic ticket here?

Answer. The way I account for it is this: you, gentlemen, perhaps, are not familiar with the character of some of the leaders that the freedmen or colored people have had in this county, and that brought a good deal of trouble on the freedmen themselves, by impolitic, injudicious, and bad advice, incendiary advice; and I have always thought, and still think, it was their being convinced of the error in following blindly the initiative of these men that induced the freedmen to change, together with an assurance on the part of the democratic party, the white men, that the laws should be and would be, as far as it was in their power, executed fully.

Question. Do you recollect the names of the parties elected to county offices and judge of the circuit court in this county at the election of 1868; do you recollect the names of all of them?

Answer. I remember the names of some of them.

Question. Is Luther R. Smith one?

Answer. Luther R. Smith was elected judge of the circuit court; Tobias Lane was elected judge of the probate court; a negro by the name of Richard Harris was elected sheriff; and one by the name of Ben. Bardwell, I think, was elected solicitor.

Question. Could the negro solicitor who was elected read and write?

Answer. He could not; he told me he could not.

Question. Could the negro who was elected sheriff read or write?

Answer. Yes, sir; he could read and could write, sir. There were some other negroes elected to different offices.

Question. George Houston and Ben Inge?

Answer. Yes, sir; they were elected to the legislature, I believe, neither of whom could write. George Houston could not write. I am not sure about Ben Inge; he lived in a distant part of the county, and I never knew anything of him until about the time of his election.

Question. I have a list here of those elected. Luther R. Smith was elected what?

Answer. Circuit judge.

Question. Yordy?

Answer. He was elected to the senate. He is a white man.

Question. And Hulin was elected to the legislature?

Answer. I do not remember distinctly. I never saw him. He floated in after the war. I never knew him at all.

Question. George Houston and Ben Inge were elected?

Answer. Yes, sir; I knew Houston; he lived in this town.

Question. Tobias Lane was elected probate judge?

Answer. Yes, sir.

Question. Richard Harris, a negro, was elected sheriff?

Answer. Yes, sir.

Question. John B. Cecil, treasurer?

Answer. Yes; I had forgotton him, sir. He was a white man, and came in immediately after the close of the war. I think he was not in the army, but perhaps attached to some branch of the Federal Army—sutler, or something.

Question. Badger was elected assessor?

Answer. I never saw him. He came in also.

Question. Do you know he was elected?

Answer. That is my recollection.

Question. Ben Bardwell, negro, soliciter?

Answer. Yes, sir; I know he was elected solicitor.

Question. And Daniel Price?

Answer. Circuit clerk.

Question. All of these white men elected to these different places were carpet-baggers, so-called, were they?

Answer. They were, sir, except Daniel Price. I have understood that he was born in Alabama, and raised here; and I have also heard that he was a former convict in the penitentiary, though I do not know that of my own knowledge.

Question. That is all I desire to ask.

Answer. You asked me a short time since about some late disorders. There was one case happened during this past summer of some negroes Ku-Kluxing some other negroes at night. I do not know that it was for political purposes—some private matter, sir. Some five or six took a negro at night and whipped him pretty badly.

By the CHAIRMAN:

Question. That is the only case of Ku-Kluxing you remember within the last year? Everything has been orderly, quiet, and peaceable, and the laws well executed, except this little ripple on the surface.

Answer. Which one—that single act?

Question. Yes.

Answer. That is not the only offense.

Question. I understood you to start out with the statement that the laws had been well executed for twelve months, and the community peaceable and quiet.

Answer. As much so as before the war; that was my statement.

Question. You qualify it in that way?

Answer. I made that statement at first.

Question. Were you here during the war?

Answer. No, sir.

Question. Where were you?

Answer. I was in the confederate army; I was here a short time on furlough, but only a short time.

Question. What was your rank in the army?

Answer. I was captain, sir, a portion of the war, and private, sir, a portion of the war.

Question. Were you in the war during the whole time?

Answer. Yes, sir; I entered the service in June, 1861; I believe that was the date of my enlistment.

Question. Did you oppose the secession of the State?

Answer. No, sir.

Question. You were in favor of secession?

Answer. Yes, sir.

Question. Then, when you speak of the community as having been orderly and quiet, law abiding, and the laws well executed, you wish to be understood as speaking of it in a comparative sense?

Answer. Yes, sir; I do not pretend to say there have been no offenses committed. I am aware that there have been; but I speak of it comparatively.

Question. Will you please enumerate the offenses which have been committed within the last twelve months or two years?

Answer. It would be impossible for me to do so, sir.

Question. They all came under your cognizance as the county solicitor?

Answer. Yes, sir.

Question. Do you keep no register?

Answer. They are recorded, sir.

Question. Whenever an offense comes to your notice, do you make a note of it?

Answer. Yes, sir.

Question. Do you institute an investigation to learn the particulars?

Answer. I do, before the grand jury, as far as it can be done.

Question. Do you before the grand jury sits take measures to lay all of the evidence obtainable before the grand jury?

Answer. Yes, sir; that is my general course, as far as I can; to ascertain the facts of any offense that occurs during the interim of court, during vacation, and instituting investigations during the sitting of the grand jury. That is my habit.

Question. You cause subpœnas to be issued to witnesses to be brought before the grand jury?

Answer. Yes, sir.

Question. Do you keep any record of your investigation?

Answer. None except the grand-jury records themselves—the grand-jury docket; it is a part of the record of the grand jury.

Question. Do you carry it all in your memory?

Answer. No, sir; I make memoranda during the vacation of court, all of which are put upon what is known as the grand-jury docket, and the investigation is had upon that docket.

Question. That docket shows, or should show, all the offenses against the law which have been brought to your notice?

Answer. Yes, sir.

Question. Have you that docket here?

Answer. I have not, sir. It is in the circuit clerk's office. That docket, I will state, however, the law requires shall be kept secret, except where the parties are arrested. There are sometimes bills found against absconding parties.

Question. Is there any law on the subject of the private memoranda you keep yourself for the purpose of bringing offenses before the grand jury?

Answer. None at all.

Question. Is the record you speak of now the private memoranda you keep?

Answer. For better explanation I will state that along during vacation I have the grand-jury docket itself, and upon that I make a statement of the cases that come to my knowledge during vacation. That book itself, when the grand jury meets, is made the grand-jury docket, and then becomes a private book; it is private; I keep it, of course, secret. Prior to the sitting of the grand jury no one knows what is on it, except myself.

Question. Does it become private unless the grand jury find bills of indictment?

Answer. O, yes, sir. Investigations of that kind have frequently from one grand jury been continued to another. If I cannot get sufficient testimony before one grand jury to find the bill, I have the case continued in hope of getting testimony before some subsequent grand jury.

Question. You add from time to time any information you acquire?

Answer. Yes, sir; any information on any particular case, or the name of any witness I may ascertain to be important; I add his name to the list of witnesses, and endeavor to get him before the next grand jury.

Question. I will ask you to state to the committee what acts of lawlessness committed by two or more men, by combinations of men, have occurred in Sumter County during the last two years. If you have not that docket present to refresh your memory, state in the best way you can what cases have occurred.

Answer. Well, sir, I can recollect some of them within the last two or three years.

Question. Very well; state them.

Answer. There was a negro killed in Gainesville some time last year, I think.

Question. What was his name?

Answer. Richard Burke. That was said to have been by a band of men.

Question. Disguised?

Answer. No, sir; I did not understand them to be disguised.

Question. How large a band did you understand were concerned in his murder?

Answer. Some of the parties varied. One went, I think, as high as thirty, forty, or may be more.

Question. Were they said to have visited Gainesville on horseback?

Answer. That I do not know. No witnesses I have seen saw them. One of the witnesses saw them, but the most important of the witnesses that I have ever seen on that subject did not see them on horses at all.

Question. One of the witnesses did see them on horseback?

Answer. Yes, sir; he saw some of them on horseback; he only saw a few.

Question. Did that create the impression that this body of men, be their numbers greater or less, visited the house on horseback?

Answer. Well, I do not know whether they went to the house.

Question. Well, visited the neighborhood of his house?

Answer. Yes, sir.

Question. Was there any evidence as to where they came from?

Answer. No, sir; none direct.

Question. Any evidence where they went to?

Answer. No, sir.

Question. Did the evidence tend to show that they were citizens of Sumter County, or came from a distance?

Answer. It tended to show that they came from a distance.

Question. Outside of the county?

Answer. Yes, sir.

Question. Did you take pains to inquire whether they were disguised or not?

Answer. Yes, sir.

Question. What was the evidence?

Answer. Those that were seen by the witnesses I examined were not disguised.

Question. Were they strangers?

Answer. Entirely so to the parties examined.

Question. Did you take pains to inquire what county they came from, or whether they came from Mississippi?

Answer. I endeavored to do it, but the witnesses did not know.

Question. From what direction did the testimony show that they came?

Answer. It was not known. They were seen on a street in Gainesville, going in the direction of Burke's house, and there they stopped, or some of them stopped. I think that one man was stopped, and he did not know where they came from. That was a street which by itself would not indicate. It was one of the cross-streets, and would not indicate any direction the party came from or went to.

Question. Were they armed?

Answer. The witnesses could see no guns, but some of the witnesses saw pistols. On some they could not see the pistols, though they might have had them.

Question. Did the evidence tend to show that that was a political murder?

Answer. Not at all. There was no evidence tending to show the cause at all.

Question. In point of fact, he was a colored representative from Sumter County to the legislature?

Answer. Yes, sir; he was, in point of fact. I say he was. I think he had been elected, but I do not know whether he had served a term. I am not sure but he was elected in the place of either Hulin or Inge.

Question. Was Inge likewise a colored representative?

Answer. Yes, sir.

Question. Did you ever hear of any attempt made upon him?

Answer. I never have.

Question. Or upon Hulin?

Answer. No, sir; I never heard of any attempt upon Hulin or Inge. Inge died in Selma, sir; I think he died there; I am not sure.

Question. You never heard of any violence inflicted upon him?

Answer. No, sir.

Question. You have spoken of the case of Burke; you may go on with any other cases that occur to you.

Answer. There was, a year or two ago, a negro named Jasper Alexander taken from the jail here and hung near town.

Question. The committee have heard the particulars of that case, and you need not dwell upon it. I will simply content myself with inquiring whether any of the men concerned in his murder have ever been discovered.

Answer. They have not; not that I know of.

Question. What is your information as to the number of men that were concerned in taking him from the jail?

Answer. Some thirty or forty, sir.

Question. Did you understand that they were disguised and armed?

Answer. No, sir; I think they were not.

Question. Not disguised?

Answer. No, sir; I am not sure of that now. It has been some time since that occurred—some time since I heard the evidence.

Question. Were they on horseback?

Answer. I think they were, sir.

Question. Armed?

Answer. I do not remember; some of them were armed.

Question. The negro was shot?

Answer. Jasper was shot; but I do not know whether they appeared at the jail with guns or not, or whether it was only with pistols.

Question. Were they strangers?

Answer. They were to the parties who saw them. They were not known at all—not recognized.

Question. White men, of course?

Answer. I have understood that they were. That was done, I will state to you, however, before I was in office as solicitor of the circuit court.

Question. In what year was it done?

Answer. I think it was done in the early part of 1868, sir; that is my recollection; perhaps in 1867.

Question. Have you any knowledge or information whether the men who committed that deed belonged to Sumter County or were outsiders?

Answer. I have not.

Question. Have any of the perpetrators ever been brought to justice?

Answer. None that I know of; they have never been tried here, sir.

Question. Do you know of any person arrested on that charge?

Answer. I do not.

Question. You have had two other jail deliveries, have you not?

Answer. Yes, sir.

Question. Two since you have been county solicitor?

Answer. I do not remember; two or three.

Question. Do you recollect a white man that was released by a body of armed men at night?

Answer. Yes, sir; a man by the name of Prater.

Question. Were the men concerned in his rescue said to be disguised?

Answer. I think not, sir.

Question. Were they armed?

Answer. Yes, sir; I have understood that they were.

Question. How numerous was the body of men concerned in that rescue?

Answer. I do not know, sir; I never heard the exact number. There were some thirty or forty, some persons stated.

Question. Did that occur since you were county solicitor?

Answer. Yes, sir.

Question. What efforts did you make to discover the men concerned in that?

Answer. I have made all the efforts I could do under the law, and examined such witnesses as I thought would ascertain the facts.

Question. And your efforts were fruitless?

Answer. Yes, sir. I have understood, and I am very much inclined to believe that these men, all of them, came from Mississippi; that the party who was rescued had relatives and friends living over in Mississippi; he had some in this county, however, but the impression made upon me from all the testimony I could gather was, that they came from Mississippi, sir.

Question. The case of Zeke High is a recent one?

Answer. Yes, sir.

Question. That occurred just before the sitting of your court, in October last?

Answer. Yes, sir.

Question. He had been in jail some twelve months, had he not?

Answer. Not quite so long. I think he was put in jail last spring. He may have been in twelve months.

Question. Did you understand how large a body of men were concerned in his assassination?

Answer. No, sir. I think the sheriff has stated to me there were some thirty or forty, may be.

Question Were they disguised?

Answer. They were not, he told me.

Question. Not disguised?

Answer. No, sir.

Question. Were they strangers to this community?

Answer. So he stated.

Question. Have you any information as to where they came from?

Answer. No, sir. I have been able to ascertain no facts relative to their coming here.

Question. What efforts have you made to discover the perpetrators?

Answer. I have made all the efforts I could.

Question. What efforts?

Answer. I have had witnesses before the grand jury—the sheriff particularly.

Question. What other witnesses?

Answer. I think none others were examined.

Question. Except the sheriff?

Answer. No, sir. I thought there were one or two, but ascertained that they stated that they knew nothing of it at all, and I examined the sheriff. During the second week of the court I was engaged in the trial of cases above, and there may have been witnesses examined by the grand jury when I was not present. It was only in the first week of the court that I was in the grand-jury room myself; and during the second week of the court there may have been other witnesses examined.

Question. Your jail is situated right in the heart of the town?

Answer. Yes, sir; a short distance from the court-house.

Question. Any outcries would be liable to be heard, would they not?

Answer. They may have been by some of the neighbors. There are two or three houses pretty close to the jail.

Question. What other jail deliveries have taken place? You have mentioned three; you spoke of some other one.

Answer. There were some persons got out of jail here some two or three years ago, two others than those we have spoken of—some freedmen. This same man Prater got out once before.

Question. Was he rescued?

Answer. Yes, sir.

Question. Once before?

Answer. Yes, sir.

Question. And recaptured?

Answer. Yes, sir. He was not rescued. He broke jail and made his escape, and was recaptured.

Question. I am speaking of rescues simply.

Answer. No; there are none others that I now recollect of. There was a young man that is said to have been furnished with the means of making his escape by the former jailer, Cecil. He was in jail for murder.

Question. He was not rescued?

Answer. No, sir; he was not rescued. He broke jail himself by means of some instruments.

Question. You may go on now with your catalogue of murders committed by men banded together. I do not speak of mere private assassinations; but of men who were murdered by combinations of men.

Answer. Well, sir; I believe that these are the only cases, except the murder of Coblentz. There were more than one, or more than three there, I have understood. It was the time that Dr. Choutteau's house was attacked and Mr. Coblentz was killed.

Question. How many men were concerned in that attack?

Answer. I have heard it said that there were fifteen or twenty.

Question. Were they disguised?

Answer. They were, sir, in part; some were. It was so said.

Question. One of the assailants was killed with his disguise on?

Answer. He was killed and a disguise found there; I am not sure that he had it on.

Question. Was it supposed to belong to him?

Answer. Yes, sir.

Question. What was the name of the man who was killed; I mean of the assailants?

Answer. I do not know, sir. I have heard, too, but I have forgotten.

Question. Was not the blood tracked, and was it not found where he lived?

Answer. The blood was tracked by the sheriff. The sheriff, under my advice and the advice of others, officers, and the intendent, Mr. Smith, followed the party to the borders of this county. I believe he went there.

Question. Eastward?

Answer. Eastward, toward Marengo, as far as near Moscow, and there lost track of them. I believe he went to Demopolis. I think the sheriff did go to Demopolis, over in Marengo County, and failed to get the track of them.

Question. You understood that this young man who was shot died?

Answer. I understood that one died that was shot there. There was no doubt in the world of his death, I reckon.

Question. What neighborhood was he said to belong to?

Answer. I do not know, sir. The sheriff, some months after that, Mr. Dillard, told me he had heard who it was, but did not tell me; but afterward, some one, I forgot who, mentioned his name. I have forgotten it.

Question. Did he live in this county or Marengo?

Answer. He did not state.

Question. You have no information whether this young man that was killed belonged to Marengo or to Sumter County?

Answer. No, sir; I do not know it. It was a party I did not know at all.

Question. Did you investigate the offense?

Answer. I endeavored to do it.

Question. Did you ascertain where the party came from that killed Coblentz?

Answer. No, sir. The evidence as to where they went is what I stated.

Question. Did the evidence tend to show that they belonged to this county or Marengo County?

Answer. The tendency of the evidence was to show that they did not belong to this county. The evidence did not show any name.

Question. What motive had people from other counties to come here to murder Chouteau or Burke?

Answer. Indeed, I do not know, sir. I could not tell.

Question. Did the evidence tend to show that there was in existence an organization through the instrumentality of which these murders were committed?

Answer. No, sir; it did not.

Question. Did you never follow up the investigation to learn what motive there was for men combining together outside of this county to make a raid into this county upon one of your citizens and murder him?

Answer. It was impossible to ascertain from the evidence any of the facts in reference to it, except those I have mentioned—the facts of the way they went.

Question. If fresh pursuit had been made by a body of men following up the tracks of these retreating raiders, was there any difficulty in finding where they went to?

Answer. It was done in this case I speak of by the sheriff. He told me he had made an active pursuit.

Question. How many went with him?

Answer. Some several; I don't remember the number.

Question. They stopped at Moscow?

Answer. I think they went to Demopolis. As I stated just now, my impression is that the sheriff told me he went to Demopolis.

Question. Did the evidence tend to show that they came from as far east as Demopolis?

Answer. They went to Moscow, a landing on the Bigbee River, something south of Demopolis, not on the direct line from here to Demopolis though; there is a road from Moscow to Demopolis. He told me he had made vigorous pursuit.

Question. If a horse had been stolen that night, would there have been any practical difficulty in the owner of the horse and his neighbors following after the horse-thief, overtaking him, and recapturing the horse?

Answer. I do not know. It has been frequently done here; they have been stolen and not recaptured.

Question. In the old slavery times, before the war, when a fugitive from labor escaped into the Northern States, was it not customary for the owners to pursue the fleeing slave, and find out where he was staying and harbored, and recapture him and bring him back?

Answer. I cannot say it was customary; it was sometimes done until that fugitive slave law was annulled; and it made it more dangerous than the value of the slave was worth to get him.

Question. Did not the owner of the slave generally succeed in recapturing his slave when he went North?

Answer. O, no, sir.

Question. You have heard of frequent instances where he was successful?

Answer. I do not think I have—only one or two in my life. Some gentleman in this town lost one or two.

Question. You never heard of but one or two instances where the pursuit was successful?

Answer. I do not know that I have ever known a case in this region of country where a slave escaped from this part of the country and was recaptured.

Question. If a prominent citizen of your community, held in general esteem, were to be murdered in his bed at night by a body of twenty, thirty, or forty men in disguise, would there, in your estimation, be any practical difficulty in making fresh pursuit after the murderers, and overtaking them wholly or in part?

Answer. Well, I do not know, sir; there may or may not be.

Question. What is your opinion, now, on that proposition?

Answer. Well, sir, I am unable to give an opinion. They might make their escape.

There was a murder case just before our court here—a very outrageous murder. A man killed his wife and father-in-law, and pursuit was made, and yet that man made his escape. It is impossible for me to say whether it could or not be done.

Question. Is it not the truth, Mr. Chapman, that just as you multiply the number of men concerned in the murder, the greater are the facilities for overtaking all or some of them?

Answer. Well, sir, I incline to doubt that proposition as a general proposition.

Question. Will you give your reasons why you doubt that proposition?

Answer. Why, there being more persons engaged in it, the greater would be the number to be interested in concealing.

Question. These men would not ride in a body after daylight?

Answer. Indeed, I do not know. I do not know what would be the policy of men engaged in such a crime as that—whether to ride in the day or in the dark.

Question. You do not?

Answer. No, sir.

Question. Have you never heard that these raiders rode entirely by night, and not in the day-time?

Answer. No, sir; I have heard that they have come and gone. Their deeds have generally been committed at night.

Question. Did you ever hear that they rode in bodies in daylight, armed and equipped?

Answer. No, sir; I do not know that I ever did.

Question. Then they would disperse, separate, and take off their disguises before daylight?

Answer. Indeed, I do not know. I do not know what their habit would be.

Question. If these men borrowed or hired horses the fatigue of the horses they had ridden over night could be discovered easily?

Answer. I think so, if an examination of the horses was made.

Question. If they had borrowed guns, or pistols, or disguises, that could be easily found out?

Answer. Of course, if you could find out from whom they borrowed.

Question. These disguises are made, of course, from materials purchased at stores, and it could be easily ascertained who bought the materials?

Answer. I should think it would be very difficult.

Question. If they had purchased masks, that could be known?

Answer. It might or might not.

Question. If men had been absent from home all night, that might be ascertained?

Answer. It might be if you ascertained who was absent from home.

Question. I am speaking of where diligent pursuit is made right on the track of the murderers with an earnest disposition to find out—when the whole community are alive to discover the murderers; where would be the practical difficulty of getting on the track of the murderers and arresting one or more of them?

Answer. Well, sir, take a murder of anybody committed at midnight; give the perpetrators of it the distance that they could travel between that time and the time when those that start in pursuit set out, and it would be a very difficult matter to overtake them; especially if, as you suggest, they choose to disperse and go any distance in different roads.

Question. The upshot of the matter then is that you think the law is paralyzed in all efforts to ascertain the authors of these outrages, where they are committed by combinations of men disguised and in the night-time?

Answer. I do not think it is at all paralyzed; but I think there are circumstances surrounding the commission of these crimes, and the escape of the criminals, that the law itself cannot overcome; neither now, nor could it ever be done. There are frequent cases where crimes are committed where the parties are ascertained.

Question. Has there been a single case in Sumter County, before or since you were county solicitor, where a single man concerned in these midnight enterprises, whose objects were either whipping or murder, has ever been discovered?

Answer. Yes; the case that I mentioned some time ago, of six or seven negroes going at night to whip another negro.

Question. There is no trouble in discovering negroes when they go out Ku-Kluxing, is that it?

Answer. The negroes themselves knew them, and reported on them. The negro that was whipped knew them.

Question. There seems to be some difference in the facility with which these midnight marauders can be discovered, according to the color of their skin.

Answer. Not at all.

Question. Let me repeat the question. Do you know of a single white man engaged in these midnight enterprises of murder that has ever been discovered and brought to justice?

Answer. I do not know that I do, sir; I do not remember any now; I mean of late years.

Question. Where men were banded together, I mean to say.

Answer. I do not know of any.

Question. You think you have exhausted the catalogue now of such cases?

Answer. Those are the only cases I remember of.

Question. Let me call your attention, then, to some cases.

Answer. There may be others that have escaped my mind.

Question. I will try and bring some of these cases to your notice. Did you ever hear of the case of Charles Powell, who lives at or near Lee's Station, who was taken from his place, a rope put around his neck, and whipped, and who was shot at afterward.

Answer. No, sir; I do not know that I ever did.

Question. Did you ever hear of the case of Peter Stewart, who was shot about a year ago, up on the railroad here?

Answer. No, sir.

Question. By a band of men. He was shot in the morning and died of the shot afterward?

Answer. I do not remember him by that name, sir. On what railroad was it at?

Question. Near Coatopa Station. Did you ever hear of that case?

Answer. I do not know the name of Peter Stewart. There was a negro killed there. The difficulty arose between him and a man by the name of White. It arose from something about the division of cotton, I think, sir; and he was shot by White, and subsequently died. If that is the case, and that is the name, those are the circumstances. It was a private quarrel at the gin-house, I think.

Question. Did you ever hear of the son of Henderson Young being killed last fall?

Answer. Yes, sir.

Question. Did you ever hear of the case of Enoch Sledge, who was shot two years ago on the road between here and Horn's bridge?

Answer. Yes, sir; I have heard of that, and I remember some of those cases, but you were only asking for the cases in which there were bands of men, either disguised or not, as I told you. These cases you were referring to now, of outrages, were not in that way.

Question. Did you ever hear of the case of George Houston being shot?

Answer. Yes, sir.

Question. Was he said to have been shot by a band of men?

Answer. He was shot the same night of the killing of Coblentz.

Question. By the same band of men?

Answer. Yes, sir; it was supposed to have been by the same. His house was not very far from Choutteau's house, where Coblentz was killed, and it was thought they were some of the same party.

Question. Did you ever hear of the case of Isaiah Hunter, shot at in his house at night, and his house burned, about two years ago?

Answer. Yes, sir.

Question. Was that said to have been done by a band of men?

Answer. No, sir; it was said to have been done by two or three negroes in the neighborhood, who had a prejudice against him as a conjuror. Prior to that he was shot at by the negro supposed to have been concerned in his murder, while he was going along the road, and a few weeks after that he was killed. I am not sure as to the time, but it was subsequent to his assassination on the road; he was assassinated on the road, but was merely wounded, not killed. That was done by a colored man named Arnold Lee, against whom the murder was charged. Arnold Lee had accused Isaiah Hunter of conjuring and poisoning his wife, and he tried to kill him while riding along the road on his wagon, but did not succeed. Isaiah Hunter was a short time after that murdered in his house; and while there was no evidence to show it was Arnold Lee, or anybody, it was like any other case where the tracks of the murderer were so covered up that they could not be ascertained; but the supposition always was that Arnold Lee had killed him, or had had him killed.

Question. Did you hear of Jerry Clark?

Answer. He was killed by the man Prater, who was rescued from jail. Prater was drinking, and killed him on the road about this time of day.

Question. Did you hear of Yankee Ben, on Dr. Choutteau's place?

Answer. Yes, sir.

Question. Was he shot?

Answer. I think he was. I heard he was in some way murdered, but I never understood it was by a band of disguised men.

By Mr. BLAIR:

Question. That was done by a posse, was it not, who were in search of some one?

Answer. They were in search of a negro, by the name of Enoch Townsend, who had assaulted, with intent to murder, a man named Richardson. They called at the house of Yankee Ben, and he went up the chimney, and they thought—so I understood—that it was the negro Townsend escaping.

By the CHAIRMAN:

Question. Did you ever hear the case of Amanda Childers, a girl about ten years old, whipped to death by a man named Jones?

Answer. Yes, sir; I heard of that, and the father of the negro himself told me it was a mistake. John Childers came to me during court, and told me he was satisfied it was a mistake, and not to have any investigation.

Question. A mistake about his daughter being whipped, or whipped by Jones?

Answer. About being killed by the whipping.

Question. You did understand the child had been whipped by Mr. Jones?

Answer. Yes, sir; I understood from John Childers, I think; and Mr. Smith, who was of counsel for John Childers in the prosecution of Jones.

Question. Did you ever examine Jane Killens, who witnessed the whipping?

Answer. I did not, sir.

Question. So Childers stated to you that he was mistaken about the child dying of that whipping?

Answer. Yes, sir.

Question. What did he say she died from?

Answer. He stated the doctor told him he thought it was from the effect of worms, perhaps.

Question. Is it not quite possible that John Childers got frightened out of that prosecution?

Answer. I have no idea of it, sir. I should think not. Jones is not a man who has the reputation of frightening anybody much, and I have never heard of his doing anything of the kind.

Question. Have you now stated all the instances of killing by bands of men which occur to you?

Answer. All that I remember, sir. Those that you mentioned over last, I remembered at first; but I thought you did not want to inquire into any, except by bands of men, either disguised, or otherwise. I believe that that is the enumeration of all that I have heard of. I can state this, however, and it is, perhaps, but justice that I should do it, that I have found, as far as I have been able to ascertain the sentiments of the people of the county, that there is a decided condemnation of these outrages, and that spirit for the last twelve or eighteen months has been much more marked and decided than heretofore.

Question. Have you heard of any recent organization of men, in the nature of an anti-Ku-Klux party, for the purpose of stopping these outrages?

Answer. I have not; I have heard it suggested that a public meeting of the citizens be held to more emphatically denounce it, but I have not heard of any organization for that purpose.

Question. A witness has spoken of having heard of quite a considerable body of men here only a night or two ago, going to visit these men suspected?

Answer. I heard of that; but I did not understand that to be an organization. Some gentlemen in the lower part of the county called in the day-time, undisguised, and told some of the men who had been committing depredations on property, as well as on some freedmen, that they must stop it or leave the county.

Question. Who; certain white men?

Answer. Yes, sir.

Question. That were suspected of being concerned in these outrages?

Answer. Yes, sir.

Question. Suspected of being concerned in the murder of negroes?

Answer. No, sir; I did not hear that.

Question. Concerned in what?

Answer. Concerned in the whipping of some of the negroes down there recently, and a very general stealing of property. The parties I have heard were engaged, were in bad repute—the white men.

Question. You speak about some negroes being whipped down there recently. State what cases you have heard spoken of.

Answer. That is the only case I have heard. I did not hear the case, except that the white persons had a personal spite at the employers.

Question. State the particulars.

Answer. I do not know them. I heard it yesterday for the first time.

Question. How many men did you understand were concerned in the whipping?

Answer. I did not hear; I heard the name of none.

Question. Who was the negro whipped?

Answer. I did not hear that.

Question. Did you understand he was badly whipped?

Answer. No, sir; only that he was whipped.

Question. Taken out of his house at night and whipped?

Answer. I do not remember.

Question. And it has occurred within a week. How large a combination of men did you understand had set their faces against this matter?

Answer. I heard that a great many of the best citizens of that part of the county, sir, had gone to these men and told them if it was not stopped they would have to leave the county; that they would not submit to it.

Question. You were speaking a moment ago about the citizens calling a public meeting here. What did I understand was the purpose of that call?

Answer. Nothing except to denounce anything like injustice or improper treatment to the negro or any one else.

Question. When was that suggestion made—this week?

Answer. Yes, sir.

Question. Since the committee arrived here?

Answer. Yes, sir; I heard it spoken of since; I am not sure but I heard it before, sir. I did hear one or two gentlemen speaking of it before. I have heard it mentioned this week, too.

Question. That a meeting should be called?

Answer. Yes, sir; that it would be best, or that they ought to call a meeting or something of the kind.

Question. What was suggested as the purpose of the meeting when it should assemble?

Answer. Nothing but to announce a determination to get rid of these lawless characters over the county—either make them leave the county, or bring them to punishment for every crime they committed or were alleged to have committed, where the truth could be ascertained.

Question. How did they propose to find out who were concerned in these outrages?

Answer. There was nothing said as to that.

Question. Did they suppose that a fulmination of a set of resolutions in a newspaper would accomplish that object?

Answer. I do not know their purpose. The suggestion was made that a meeting of that sort be held.

Question. There are men in the county that are suspected of being concerned in these outrages, are there?

Answer. None immediately about here that I know of.

Question. Well, in Sumter County?

Answer. I do not know. There are some bad characters. I do not know that they are concerned in any of these bands; but there are men that are supposed to be concerned in the commission of different offenses, as well as some assaults and batteries on negroes, stealing and encouraging negroes to steal cotton, and buying it of them—buying corn at night of them.

Question. What effect upon the negro has the commission of these various outrages against these negroes had?

Answer. Well, sir, I could not say.

Question. Have they become, to any considerable extent, alarmed and afraid for their personal security?

Answer. I have not heard any complaint of the sort for a year or two—two years, I reckon.

Question. Do you think the negroes are generally contented and satisfied?

Answer. Yes, sir.

Question. And feel secure in their persons and property?

Answer. All those that demean themselves properly, I think, are so.

Question. You have heard of no disposition evinced by them to go to some other country, where they will be safer?

Answer. No, sir.

Question. You have heard no talk of emigration to Kansas?

Answer. I have heard talk of it among white persons, but not among negroes. I have heard it mentioned in regard to Marengo County particularly, but I never heard of the idea of emigration from this county; but I have heard that there was such a project there on foot, or proposed, in Marengo.

Question. Did you understand that that project originated because of the insecurity the negroes felt in Marengo County?

Answer. I did not. I learned from the source of my information the supposed object only, and that was some gain, either pecuniary or otherwise, appeared to be derived by a Mr. Jones over there, who was leading the negroes very considerably. A gentleman in this county told me he had understood that Mr. Jones was offering a bonus of so many dollars to all those who would go.

Question. Men advocate their political sentiments here freely and unreservedly, and without any apprehension, do they?

Answer. I have not heard anything to the contrary.

Question. You heard nothing last fall to the contrary?

Answer. I did not, sir. I think, on the contrary, that the election last fall was as free from outside influence as any I have ever known.

Question. I am speaking of the canvass preceding that election.

Answer. I speak of that.

Question. Did the candidates for the different offices canvass the county, and call public meetings, and address the citizens?

Answer. Yes, sir; all over the county.

By Mr. RICE:

Question. Both sides? Did the republican candidates as well as democrats?

Answer. I do not know that there were any republican candidates in the field. I do not now remember.

By Mr. BUCKLEY:

Question. There were State candidates?

Answer. Yes, sir. I speak of the county officers.

By Mr. RICE:

Question. There were candidates for the legislature on the republican side; were they there?

Answer. Let me see. I believe that Judge Meridith was a candidate. I do not remember distinctly.

Question. Did any of the republican candidates in the county canvass the county?

Answer. Not that I know of, sir.

Question. The free canvass you speak of was wholly by democrats?

Answer. Well, I do not know of any speaking having been done by republican candidates; and I have forgotten, in fact, who were the candidates, except Judge Meridith. I think he was a candidate there.

Question. Did they hold any meetings for speaking, except the one at the court-house here, at which Governor Smith was present?

Answer. I do not know, indeed.

By Mr. BUCKLEY:

Question. You were present at that meeting which was held here by Governor Smith?

Answer. I was in town; yes, sir, I was in town.

Question. Did you ever hear that any insult or indignity was offered to him while speaking here?

Answer. I saw something of it in the papers, but I do not know anything here.

Question. Did the republican candidate for Congress in this district make any speeches here, or in this county?

Answer. I think he did, sir; I am not sure; it was Mr. Hays; I know he has spoken here once or twice; I do not know whether it was last fall, or not; I know I have heard him speak here within the last two or three years; I believe it was last fall that he spoke from this court-house door; I know that I have heard him speak here; I am not sure that it was last fall, though, sir.

By the CHAIRMAN:

Question. Do you know of a single republican meeting held in this county last fall, except that which Governor Smith attempted to address?

Answer. It strikes me, sir, that there was a meeting held about Belmont.

Question. Was there any trouble there?

Answer. I don't know, sir; not at that meeting. There was considerable trouble down there, I understood, but I don't know whether it was the meeting or not, and I am not sure that that meeting was last fall; Mr. Bill Jones, from Marengo, was over there and made a speech.

Question. With that exception, do you know of any attempt to hold a republican meeting during the last year in Sumter county?

Answer. I do not; I don't remember it now.

Question. Do you not know that the republican candidates were afraid to come here and make political speeches?

Answer. I do not.

Question. Did you never hear that said?

Answer. No, sir; I do not think I ever heard it said at all.

Question. You never heard that Governor Smith was insulted here at a political meeting?

Answer. I have seen it stated in the newspapers.

Question. Did you not hear it in the streets here?

Answer. No, sir; I heard that there was some interruption of the proceedings.

Question. Did you hear that "the damned lie" was given to him while he was speaking?

Answer. No, sir.

Question. What was the character of the interruption?
Answer. I do not remember; I think it was perhaps some tipsy person in the edge of the crowd; I was not present at the meeting, and do not know what was said.
Question. How did you derive your appointment to the office of county solicitor?
Answer. From Judge Smith.
Question. In 1868?
Answer. Yes, sir; in the fall of 1868.
Question. You have held it ever since?
Answer. Yes, sir; it was in November or December, 1868.

By Mr. RICE:

Question. You spoke, a while ago, of a witness, in this arson case, by the name of Farmer, being killed?
Answer. Yes, sir.
Question. Had you heard what he would prove in the case?
Answer. No, sir.
Question. Was he not the witness that claimed to be able to identify the parties that committed the arson?
Answer. I do not think he was, sir; I think it was another negro by the name of Ashford who was the more important witness; I do not think Farmer was the more important witness; a Miss Price, I understood, was a more important witness; and so was Mrs. Morris a most important witness.
Question. Their testimony has never been taken?
Answer. Mrs. Morris was examined before the grand jury, and Dr. Choutteau's son.
Question. Was Ashford examined?
Answer. I do not remember.
Question. Was any witness examined who professed to know who did the burning?
Answer. Mrs. Morris, I think, professed to know.
Question. Who were the parties she so implicated?
Answer. A man named Stephen Renfro, and Aleck. Richardson.
Question. Were they ever indicted?
Answer. Yes, sir.
Question. Tried?
Answer. No, sir; the case is pending, and they are under indictment now for arson, sir.

LIVINGSTON, ALABAMA, *November* 3, 1871.

WILLIAM BEGGS sworn and examined.

By Mr. BUCKLEY:

Question. State, if you please, your residence and your occupation.
Answer. I reside at Livingston, Alabama; I have been farming, sir.
Question. Some of the witnesses have mentioned an association of citizens in the lower part of the county who were attempting to suppress violence and lawlessness there. Will you please state to the committee what you know of the transaction?
Answer. I saw two of those gentlemen who were engaged in trying to put this thing down, and I will begin at the first and tell you as near as I can. All I know is from hearsay.
Question. Please give the committee such information as you deem reliable, and in your own way.
Answer. There was a gentleman down here near Intercourse who had some white men in his employ, in a steam-mill. He had a falling out with them some months ago. He is also a farmer, and had some freedmen on his farm, three or four miles from his home. These men went there and whipped some of those negroes. Their object was to drive them from Mr. Wiley's employ—to force them to go. I saw these two gentlemen yesterday, and they said they and about thirty-eight others—about forty of the citizens there—went and waited on these parties and told them they would give them ten days to settle up their business and leave the State.
Question. Did you understand that they had whipped these negroes and driven them from the employ of Wiley?
Answer. They had not left, and that was the object—to drive them from his employ.
Question. When did you understand that this whipping took place?
Answer. It was some time last week; I don't remember the day.
Question. Did you understand that those citizens had turned out armed, themselves?
Answer. No, sir. I suppose they did. They would not have gone to such men without being armed.
Question. Were you informed how many men were engaged in the whipping?
Answer. There was one family, sir. There is an old gentleman—I will not give

him that name—an old man and three sons; I think three. I know them; I have seen them frequently—named Harpers.

By Mr. BLAIR:

Question. Was it the sons who did the whipping?

Answer. Yes, sir. Those gentlemen told me yesterday that there were others implicated in this thing with the Harpers, but they had not evidence against them—not to justify them in doing anything with them.

By Mr. BUCKLEY:

Question. Did you understand that they did this whipping in the night?

Answer. No, sir; but I suppose it was in the night. I am satisfied they would not have gone in daylight and done it.

By the CHAIRMAN:

Question. How many negroes were said to have been whipped?

Answer. I don't know.

By Mr. BUCKLEY:

Question. You take this as an indication of a disposition on the part of the citizens there to put down lawlessness in that part of the country?

Answer. I do. And I further state to you that I took the United States census here last year, and I believe I know every man in Sumter County. I took the census ten years ago, and also took it last year, and I am satisfied, from my knowledge of the citizens of this county, that eight out of every ten of the citizens of this county are anxious to put this thing down, if they knew how. It is done by irresponsible men, who commit these depredations in the night, who are gone in the morning, and we are entirely helpless. We do not know who they are, nor where to find them. I am better acquainted with the people of this county, I suppose, than any other man in it, except the sheriff. I have been raised here, and took the census, and done a great deal of public business all through the county.

Question. Are you the tax collector?

Answer. Yes, sir; I have been collecting the taxes now about four years, and I have taken the census, and I know almost every man, woman, and child in the county.

Question. Have you heard of other instances of violence in the county?

Answer. Nothing more than this raid on the jail here; that is the only thing I have heard of recently.

Question. Did you understand that those negroes whipped on Mr. Wiley's place were severely whipped?

Answer. No, sir; the object seemed to be to drive them off.

Question. Do you know of any other interference with the labor of the county in any way?

Answer. No, sir; none at all.

By Mr. RICE:

Question. What is supposed to be the object of these men that commit this violence through the county?

Answer. I cannot tell you what, sir. I have not any idea. The object in taking this man out of jail here and killing him, was because he had killed that man Collins in that difficulty down here at Belmont, last summer a year ago.

By the CHAIRMAN:

Question. We have heard of the particulars of that. You have heard of Burke's being shot, of course?

Answer. Yes sir; that was in the upper end of this county.

Question. You had heard of Dr. Choutteau's house being burned?

Answer. Yes, sir.

Question. Of their shooting in his house one night, and killing Coblentz the next night?

Answer. Yes, sir; that was down here in this town.

Question. You had heard of Jasper being taken out of jail and killed?

Answer. Yes, sir.

Question. And you had heard of a mob taking out Prater and releasing him?

Answer. Yes, sir.

Question. And you had heard of Houston, the colored representative, being shot?

Answer. Yes, sir; that was done the same night Coblentz was killed.

Question. You have heard of a great many acts of lawlessness of this description?

Answer. Yes, sir.

By Mr. RICE:

Question. You have no idea of the motive with which it was done?

Answer. I have not.

By the CHAIRMAN:

Question. You have heard of negroes being whipped, too, at sundry times?

Answer. Well, sir, very seldom.

LIVINGSTON, ALABAMA, *November* 3, 1871.

EDWARD W. SMITH sworn and examined.

The CHAIRMAN. This witness having been called on the part of the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. Please state your residence, and business or profession.

Answer. I reside in Livingston, Alabama. My profession is that of the law.

Question. How long have you lived here?

Answer. I was born in North Carolina, and came here when a boy.

Question. Have you ever held any public position in this State?

Answer. Yes, sir; after the war I was mayor of this town for about three years, and I am now a member of the legislature of Alabama—the lower house.

Question. As you were mayor of the town, tell us, if you please, what was the bearing and demeanor of the black and of the white population toward each other immediately after the war.

Answer. Immediately after the war, or soon after the war, the relations of the two races were good—the personal relations of the two peoples were good. They seemed to be kind toward each other. There was no disturbance, except now and then perhaps, and the feeling seemed to be that of harmony between the two races.

Question. When did these conditions change?

Answer. As well as I remember, they changed in about twelve months—they commenced changing sooner than that. The surrender of this department occurred in May, 1865, and the two races were on very good terms for twelve months, or about that time; then a change commenced.

Question. To what do you attribute this change?

Answer. Well, sir, I think it was owing to contact with evil influences—by the colored race being placed in contact with evil influences. There were a few white men among us whose opposition to us was very unfortunate for the peace of the community, and also for the harmony and good relations of the two races.

Question. What class of persons were those of whom you speak?

Answer. Well, sir, some of them had lived among us, or in the country before, and some came here after, the war.

Question. What advice did they give the negroes, if any; or by what means did they change the feeling of the negroes toward the whites?

Answer. Mr. Price was among us. He told me he was an Alabamian, as well as I remember, though I am not positive about that. He came from Wetumpka; he has told me, oftentimes, and he was, undoubtedly, at the head, or placed himself at the head of the colored people here in this county. He told me, in fact, that he could command them and control them, and his language was inflammatory—it was that of an incendiary at times. I, as mayor of the town, remonstrated, and urged him to join me in efforts to bring about peaceable relations between the whites and blacks. I told him that the disturbance of the relations which had heretofore existed had been very unfortunate; and we frequently had conversations. He told me that if there should be a difficulty between the whites and blacks he would not give anything for the town—it would be burned to ashes; and the colored people while I was mayor—I was mayor nearly three years—frequently came to town armed and with music, and on inquiring the cause they said they were ordered here.

Question. Did they tell you by whom?

Answer. Yes, sir; they said Mr. Price ordered them here. They frequently would go through town here and shoot while they were in town in marching order—shoot off guns. They would have flags and drums and music, and seemed to be excited. They were defiant in manner, and they frequently menaced the town and the citizens.

By the CHAIRMAN:

Question. Was this upon occasions of political meetings?

Answer. Sometimes it was, sir. They told me that they were ordered here. Sometimes I would go out and converse with them. My idea was to check anything that would bring about disturbances or disruption of the community. It was my duty. I finally issued a proclamation forbidding armed organizations, whether white or black. I had my police ready at any time, of course, to execute my orders.

By Mr. BLAIR:

Question. Did you find it necessary, as an officer of the peace, to issue this proclamation to the people?

Answer. I did, sir. It was unquestionably necessary. I regarded the safety of the community as being in great peril; the fact is, I know it was; it was only under those conditions that I would have issued it.

Question. Then you regard this conduct, or this condition of things, as having been brought about by this man Price?

Answer. Not him alone. He had some coadjutors. There was a man named Rolfe, and one named Hayes. I don't know where they were from; they were either from the North or Northwest. Hayes went back to Saint Louis, I understood. They were men that evidently had no character whatever, and that would not be respected anywhere. I know the northern people well. I staid there over three years myself, in New Jersey, and I know the character of the people of the North, and am satisfied men like them would not be respected. I know they would not be respected in New Jersey any more than they were here. Rolfe and Price both told me they found it necessary to keep up this organization for their own purposes. They said they "didn't care a damn about the niggers"—to use their expression—but they said they wanted to make money out of them; and just before the last election, when General Grant was running for the presidency, and Seymour was opposed to him, they had badges all over the country here.

Question. The negroes had?

Answer. Yes, sir; they were distributed among the colored people; Rolfe had a whole parcel; then he was speculating on the negroes. He said the badges really cost him nothing, and he said, "Damn them; I am making them pay me for them, and am making a good thing out of it." He says "the damned creatures are to go out of the country, anyhow, and are not fit to live in the country; and, damn them, I am going to make all the money I can out of them." I remonstrated with him. He laughed, and said he intended to do it, and told me what he was selling these badges for to them. He said he told them it was necessary to buy them. He said he told them it was ordered—it was General Grant's order, and it was absolutely necessary for them to buy them; and he said he was selling them very freely. I don't know anything about that only what he said.

By the CHAIRMAN:

Question. Did you see the badges?

Answer. He showed me one, and offered to give me one. I told him I wanted a Seymour and Blair badge.

By Mr. RICE:

Question. How much was he selling them for?

Answer. He told me, but I have forgotten. The whole thing was anomalous to anything we had been used to, and I advised him against it. I told him all that would pass off, and ultimately the negroes would find he was deceiving them, and they would become his enemies; that he was not acting in the service of the interests of his country, and that a man living here ought to serve the interests of his country. Another thing, he was drunk a good deal, and his moral stamina was low. Hayes was a man who was—well, I don't know where he was from, but he and Rolfe were both working together here, one of them a carriage-trimmer or painter; they both worked on carriages, one a trimmer, I think, and the other a painter. Hayes occupied a subordinate position here as agent for the Freedmen's Bureau. I recollect on one occasion that he gobbled some cotton belonging to some negroes down south of the river here, about a thousand dollars' worth. I was spoken to about it by the negroes. I am an attorney, as I stated, and I went to Hayes and asked him to adjust the matter fairly, and pay the negroes over the money, and he promised me he would; and he told me I need have no apprehensions; that he would certainly settle up everything that belonged to these colored people. He sent the cotton off and kept the money—about a thousand dollars of it, too; and these negroes have not got that money yet. Well, his statements were similar to those of Price and Rolfe. He said he wanted to keep them together for the purpose of using them and making money out of them.

Question. Do you know anything of George Houston?

Answer. Yes, sir; I know George.

Question. What do you know of him?

Answer. George is naturally a good man, a kind-hearted man; I have known George ever since I was a boy. After the surrender George continued to be kind, well-disposed, and orderly, until he was associated with Lane and Price, and these men I have been telling you about. George then commenced drinking too much. George has a quick, inflammable temper; but he was a very honest man, I think. I think he was truly an honest, good man; but there was a man down here named Lane, who ran for probate judge. George was mixed up with him and Cecil a good deal. They were both of them

bad men. Lane and Cecil. These unfortunate influences have injured George. I think he is naturally a good man, but he got to drinking a great deal of whisky, and he got to be aggressive in his social ideas. He became quite aggressive in his social views. I have seen him frequently up in Montgomery, and some of his own party have told me up there that his habits were still irregular—drinking and noisy.

By Mr. BLAIR:

Question. Do you know of any particular acts done by him?

Answer. He threatened sometimes when he got tight to have the town burned up; but that was after he had been associated with these persons that I told you of some time. I will say this: that I do not think anything of that sort is germane to the natural sentiments of the man.

Question. You think if he had not been instigated he would never have done such a thing?

Answer. I think not.

Question. Do you know of any armed organizations in the town of Livingston?

Answer. Yes, sir; they were very frequent while I was intendant; I broke them up, though. I issued a proclamation that I told you of. I have the proclamation in my hat, if it would be admissible to read it.

Question. What was the purport of it?

Answer. It is very short.

Question. Read it.

Answer. I did not issue this until they had been here frequently, and the whole town was alarmed, and I was afraid that counter organizations would take place, and we might have a bad time here. It reads as follows:

"PROCLAMATION.

"It appearing to me from well-authenticated information that armed organizations are in the habit of assembling in the town of Livingston; and it being equally well established that parties thus armed and organized have threatened to burn said town to ashes, and have otherwise threatened the peace and even the destruction of the entire community, and have also, in the most violent terms, menaced the very existence of the law, and consequently the destruction of all protection to society: Now, therefore, I, as intendant of said town, in order to secure the peace and safety of this community, do hereby forbid future armed assemblages in said town for the purposes aforesaid, and persons congregating together or assembling in armed bodies under suspicious circumstances, (in view of the threats and menaces aforesaid,) will be, by my order, arrested and subjected to an examination under the civil laws of the State, to ascertain whether their objects are peaceful or whether they are actuated with a determination to carry out lawless purposes, and the destruction of this community. If found guilty of the latter intent they will be dealt with and punished as directed by the law in such cases. In the civil and peaceful pursuits of life every one has a right to carry arms in the manner permitted by the laws of the country, but the same laws that secure this right demand the safety and security of every community.

"E. W. SMITH,
"*Intendant of Livingston.*

"JULY 27, 1868."

I issued that after organizations of that kind had been here repeatedly in that condition, and it looked like war times when we were all fighting, really, sometimes.

By the CHAIRMAN:

Question. Organizations of whites and blacks, both armed?

Answer. No, sir; there were no armed organizations of whites. That proclamation would have covered either. I intended to disperse either; I had about eighty men to stand by me.

By Mr. BLAIR:

Question. Do you know anything about the election of 1868?

Answer. Yes, sir; I was intendant.

Question. How was the vote taken?

Answer. They came in here armed, with bugles, and drums, and fifes; there was a tremendous crowd, and they marched up to the polls in files. One of the boxes in which it was held was in this very room. They elected in that year (1868) a colored man, named Richard Harris, sheriff. He cannot either read or write. They elected Ben. Bardwell solicitor, a clever, well-disposed man, but he cannot read or write. Dick is a clever man, too. I told Dick they were making a fool of him. I will state this, too, that in speaking of Price, and Rolfe, Hayes, Cecil, and Lane, I dissociate them altogether from any ideas of republicanism or democracy. I think they are naturally bad men. You will find bad men in every community.

By the CHAIRMAN:

Question. Were not Hayes and Rolfe democrats before they came to this county?

Answer. I do not know; I should not be surprised; I never heard of them before they came here; I do not think that being a republican or democrat would add anything to, or detract from, such men. I think they are naturally desperate, bad men.

By Mr. BLAIR:

Question. You think they wanted to make use of these colored people for their own purposes?

Answer. Yes, sir; they said so, that "they did not care a damn for them," as they said.

Question. Were any military arrests made in this town?

Answer. Yes, sir.

Question. In the spring and summer of 1868?

Answer. Yes, sir; that was in the spring of 1868. There was an officer of the United States Army here, Lieutenant Ryan. He came one morning before day, between midnight and day, and I was roused up—I was in bed, of course—and there was great alarm in town. I was called upon, and they told me of it. Mr. Barker's family seemed all in great distress. He was taken from his house. The woman thought her husband was carried away and killed, she said. She was much alarmed, as of course she would be, at losing her husband at that hour of the night. I found Lieutenant Ryan was around at Mr. Price's, and did not know he was an officer, or anything about it. I went around to Mr. Price's. He asked me in civilly. I went in and addressed myself to Price, and said, "Mrs. Barker is in great distress; somebody has taken her husband from her." I did not know this other person, and he referred me to Lieutenant Ryan by a nod—simply nodded. He said, "That gentleman had custody of him," or something of the kind. I turned to him and asked him if he had Mr. Barker in custody. He said, "Yes," and pretty roughly, too. I told him that I was the mayor of the town, the intendant, and that as an official act of duty devolving upon me as intendant of the town I had come around to ascertain what was the matter, and I wanted to know his authority for arresting Mr. Barker at that hour of the night and what emergency had occurred to justify it. He did not have any coat on, and he got up and commenced pulling his coat on, and said, "Here is my authority," and showed me his insignia of rank. I says, "If you have come here by military authority to arrest one of our citizens, and you are in the legitimate pursuit of your business, we have nothing to say: we will assist the military in carrying out orders, if necessary. But," I says, "I would much prefer that you had waited till daylight. There was no necessity for arresting a man at this hour of the night; because I would have had him arrested, if necessary, to-morrow morning." He made some rough remark to me, and I turned around and walked out. He was a rough man. I had been civil to him and I thought I deserved more courtesy. I turned and left him. The next morning he came around to my office with Mr. Price to make some inquiry about magistrates and justices of the peace. I gave Mr. Price the information. I did not speak to him at all; I thought his conduct toward me was such as to make it unpleasant for us to have anything more to do with each other. He put Barker in jail, and pretty soon afterwards he had five or six of the young men around town here arrested. There were no charges preferred that I ever heard. He put them in jail—put Mr. Robert W. Ennis in jail, of the firm of Tartt & Ennis over here, and he made him pay $300 to let him out.

By the CHAIRMAN:

Question. How do you know that?

Answer. Ennis tells me so. He will come in here and swear to it himself. He made him pay $300.

By Mr. RICE:

Question. When was this?

Answer. Some time in the spring of 1868, I think.

By the CHAIRMAN:

Question. What was the name of that officer?

Answer. They have cashiered him and thrown him out of the Army since then.

Question. What was his name?

Answer. Ryan, a lieutenant; I do not know the other name.

By Mr. BLAIR:

Question. What did they do with Barker?

Answer. They took him to Selma, and Ryan fell out with several of us. I had nothing to do with him. He went off, and said he was coming back here again, and that he was going to arrest some individuals here—prominent individuals—next time, and went so far as to put me in that catalogue without calling my name; and said he was

coming up here to Jones's Bluff to arrest a parcel of persons there. I then thought it was time that I should act affirmatively in behalf of the community, so I stated on the street very decidedly that he had levied blackmail on Bob Ennis, and that I intended to inform General Meade of it, then in command of this department; and I stated that no officer who was a gentleman, either in the Federal or confederate army, would ever oppress a people in that way, and obtain money in that way; that, unfortunately, there were some men in the Federal Army, as well as the southern army, who were not gentlemen as well as officers. I would inform General Meade. There was a man here named Robert Johnson, a bad man. He is a democrat, and a very bad man. I suspected that he got part of this blackmail money, $300, and I informed him of the act, and I said I intended to inform General Meade. Pretty soon after that this man Johnson ran off to Selma, and while there he went to some person that had formerly resided in this county, and was very uneasy. He had heard of my denunciation, and knew I would do it, because I felt it was my official duty to do something to protect the people. He went there, and pretty soon Barker was liberated, and Ryan never did come back here to arrest anybody. Johnson did come back, and he lives here now, and is a very bad man. He steals cotton or anything else he can get hold of.

Question. Did they make Mr. Barker pay anything to get out?

Answer. No, sir. I think he had to pay some attorney over there for helping him; but they let him out as soon as they heard of this other thing.

Question. Were any charges ever preferred against Barker?

Answer. None in the world I ever heard of. If there was I never knew. It was a regular foray, I reckon, on the part of Ryan to make money.

Question. Do you know anything about the elections of 1870?

Answer. Yes, sir; I was in the canvass myself, a candidate myself.

Question. State what you know about how that canvass was conducted; whether there was any attempt made to intimidate the negroes?

Answer. I will give you a succinct description of it. I was applied to run for the legislature by the democrats of Sumter County. I declined time and again. I did not want to go into politics. The fact is I declined to go into politics before the war. I had ample opportunity before the war and had declined. They insisted that I should run, and the pressure was so strong I could not get out of it. So I accepted the nomination, and in my acceptance speech I told them I was going to canvass the county; that I was going to make the principles I advocated known to white and black; that I was going to appeal to the black man; that I was going to try to point out to him his true interests, and that they were in harmony with us and our interests; with the whites of the country. That was in the acceptance speech; that was the substance. After it was over my friends came to me and remonstrated with me upon my course. Some of them told me they did not think it would do to canvass. I am giving you historically what occurred. I says to them, "Gentlemen, I don't want to run for the legislature; you forced me to run, and I am going to do just as I damn please." I suppose there is no harm in stating it, as you asked for the fact. I stated, "I am going to do just as I damn please; I will canvass this county, and if I fail I will fail like a man. These colored people shall know the facts, and I intend to discuss the great questions of the day before them, just as I do with the white people." Well, I started out and went to Paynesville, and spoke about an hour and a half, and spent about the same time fifteen or sixteen times in the canvass. I was in the canvass twenty days, and it took some time to get from one point to another. The county was large. I discussed the great questions that I conceived to be the leading and controlling questions of the day with the utmost candor before the colored people and the whites; and I pledge you my word, I can state it on my oath most solemnly, that I told the colored people to vote as they pleased; and I asked it as a favor that if any man endeavored to intimidate them, I asked that they would appeal to me and that I would see that they were protected; there was the freest, the fullest, and the most candid invitation on my part to the colored people to vote as they pleased. I never did ask a white man or black man to vote for me in my life, for any office, and, unless my mind changes very much, I never will.

By the CHAIRMAN:

Question. Did you tell them that their interests and that of their employers were identical?

Answer. I told them I thought so. I discussed the tax law, and I went over the whole field. My speeches were generally from one hour to an hour and a half long; sometimes nearly two hours; and I told the white people that if I was elected I must be elected fairly and squarely. A great many of the colored people, some of the old family negroes—a great many of them, (we had a great many negroes amongst us; that is, in my family, before the war,) they came around me on the day of the election, and asked me, "Massa Ed, how must I vote?" My reply was, "Just as you please." My body servant, who used to carry my keys where he could have gotten thousands of dollars, (I used to have money, before the war,) I never asked him to vote for me. He was here on the day of the election. Some of my friends asked me

to go to him and ask him. I told them I would not; and I never did ask him. There is a colored man out here on a plantation belonging to me, that I rent to him. I never go there. He is a man of good character, who makes over thirty bales every year, about two miles from town. After election he came to me and complained that I never asked him to vote for me. I told him he was enfranchised and had a right to vote for whom he pleased; and I did not think it would be treating his judgment with much respect to go and tell him how to vote. He said he voted for me anyhow, and that I ought to have thought enough of him to have asked him. I mention that to show that I did not seek office—did not go around and solicit votes, white or black.

By Mr. BLAIR:

Question. Have you any knowledge of anybody attempting to intimidate them?

Answer. No, sir, I have not; if I had, I would have resented it. Up here at Charcon, above Gainesville, Meridith was one of the opposing candidates. He was invited to meet us, but he did not come. There were about seven or eight hundred colored people, and some white people. It was a free thing. The colored people seemed indifferent when I commenced speaking. Meridith would not come out. I did not lose a vote there; and I am satisfied there was no intimidation. Meridith, I will state, is an honest, good man, naturally, but he drinks too much whisky.

Question. Do you know of any armed organizations in this county?

Answer. Not at present. I know there have been. That was an armed organization that came to town, as I stated.

Question. Before that, I will ask about Houston.

Answer. I have known him since a boy.

Question. Do you know of any particular acts or expressions by him tending to inflame?

Answer. I have heard him acknowledge himself as being prominent with his color, and I have heard him state that the town would be burned to ashes in the event of any disturbance between the whites and the negroes.

Question. Now state if you know of any armed organizations, secret in their character?

Answer. No, sir; I do not know.

Question. Have you known of any such in this county?

Answer. There were Loyal Leagues here. I don't know whether they were armed. They went there armed.

Question. Went into the Leagues armed?

Answer. Yes, sir; they went with guns; though it has been some time since. I have not seen anything of the sort recently.

Question. Have any organizations that were not secret appeared in arms in your streets, threatening and menacing the peace?

Answer. Yes, sir; they were very menacing, those I spoke to you about. They fired off guns in the town, and passed through the town.

Question. You spoke of the change which occurred in the manner and bearing of the negroes some time after the surrender, in the relations of the two races. What was the moral status of the colored people after the change, as to honesty, and in other respects?

Answer. Soon after the surrender, as I stated, the feeling seemed to be good. The colored people seemed to be docile and attentive to their duties; but after these white persons I spoke of came to the county, the habits of the colored people changed in that respect very much, and the hogs disappeared very much, and stock was killed. They seemed less honest; they deteriorated very much. The moral stamina of the colored people, I thought, deteriorated very much; not all of them.

Question. Did the farmers and planters discontinue raising stock on this account?

Answer. Yes, sir; pretty much. It is my information that there was very little stock. After awhile they became discouraged.

Question. Do you know anything of the case of a negro girl, the daughter of John Childers, who was said to have been whipped by a man named Jones?

Answer. I never saw the girl, but John Childers came to me to employ me. He stated to me that Jones had whipped that girl of his. I think he said she was ten or twelve years old, and that she had died in consequence of the whipping. He wanted to employ me to prosecute Jones. I told him I would do it. I was very indignant when I heard of it, when he gave me the details of it, and I told him I would prosecute him, and that I would expose him; and my set purpose was to just unroll the whole thing and drag it before a jury, and expose him fully. I wrote down his statement. I think I have that in my office now, about what he could prove. It went on in that way, and I was trying to see a witness. My idea was to have Jones up in the preliminary court and bind him over. He came in one morning before I got up out of bed, and told me he was satisfied he was mistaken; that the girl had died of sickness, and he did not wish me to prosecute it any further. I was astonished at the statement, and I went to see the physician that attended the girl. I thought I would see

into it anyhow; and the doctor told me that the girl had no signs of any maltreatment; he said she died of congestion. He said she had been eating a great deal of fruit, and she had worms come from her bowels, and she had been eating a great deal of fruit, and consequent upon these things congestion had ensued.

Question. Did he say he had examined the person of the girl?

Answer. He told me so.

Question. Did he say there were no marks whatever on her?

Answer. Yes, sir; he said she did not die of violence; that there were no marks of violence on her person. That is what he said to me.

By the CHAIRMAN:

Question. Who was that doctor?

Answer. James Garber.

By Mr. RICE:

Question. Is he in town?

Answer. Yes, sir; he lives in town; he may be out now, but he resides here.

By Mr. BLAIR:

Question. Did you see any of the witnesses to the whipping that was inflicted upon her?

Answer. Yes. sir.

Question. Who?

Answer. I saw a girl—I have forgotten her name.

Question. Was it Jane Killens?

Answer. I think so.

Question. What did she state to you?

Answer. She said that Jones whipped the girl pretty severely one day, and that he took her and tried to throw her over the fence—throw her, I believe it was, over the gate; and instead of throwing her over the gate he struck her against the fence. I wanted to prosecute him for that, because he had no right to persecute the girl in that way, but John said that he was satisfied the girl had only resisted a whipping for misbehavior, and requested me, as a favor to him, not to prosecute it any further.

Question. Was there any intimation that he was afraid to carry on this prosecution?

Answer. No, sir; not to me; but I told him this, when he came to me and first stated the case to me, I was very much provoked, and I told him, "I will take the prosecution of this case in my own hands, and I will take it all upon myself. I will take the personal responsibility of it, and I will have the witnesses gotten in as far as that is concerned." I cannot conceive that he would have been in any danger in prosecuting that case.

Question. Do you not think if he had prosecuted and proved such a case as he first stated to you that he would have had the sympathy of all the white people?

Answer. I know he would; that is, the good people. I can state this, general, in regard to that, that since the surrender I have defended a great many colored people before the juries of this country, and I was thinking of it last night, I don't think I have ever lost a case.

Question. You think the juries are fair toward them?

Answer. I do. I have seen nothing to the contrary in any case I have defended. I have defended a great many cases, since the surrender. I may have lost one, but I do not remember it. I do not remember now, in the defense of any colored man, that I have lost it before a jury of this county.

By the CHAIRMAN:

Question. What was your position during the war?

Answer. I was a democrat.

Question. Were you engaged in the war?

Answer. Yes, sir; about eighteen months.

Question. An officer?

Answer. No, sir; I was a private.

Question. A private in the confederate army?

Answer. Yes, sir.

Question. Did you oppose secession?

Answer. I had very little to do with politics before the war. My views about secession were these: that under the old constitution the States made the nation.

Question. I do not care about the theories, just the simple facts. We have not much time to dwell on theories.

Answer. I thought we had the right to secede, but I do not think so now. I think that is all destroyed—the last vestige of it.

Question. You have been identified with the democratic party since the war?

Answer. Yes, sir.

Question. And were elected by that party to the legislature?

Answer. Yes, sir.

Question. You were born in North Carolina?

Answer. Yes, sir; and came here when a boy, and have lived here, except when I was at school at college. I went back to North Carolina to prepare for college, and from there I went to Princeton, New Jersey,

Question. What was the population of this town when you were mayor or intendant?

Answer. I do not remember. I suppose eight hundred or a thousand.

Question. What is its population now?

Answer. About the same; but I cannot be accurate.

Question. Did the negroes, whom you describe as having marched into town with flags, fifes, drums, and arms, ever commit any violence here?

Answer. They tried to once.

Question. What violence?

Answer. They had a meeting down here, just out of town, (southeast,) at a spring. There was a large number of them, and there were two or three democratic negroes, and they fell out with them, and said they were going to duck them in the river or something; and they came back in town and got into a store-house, and they were trying to get to them, and I went out and made them a speech myself, in my shirt-sleeves. It was warm. I was taken by surprise, and I made them a talk.

Question. We do not care about the speech. Did they commit any violence at the time?

Answer. No, sir; but we had to guard and protect them.

Question. Is that the only act of violence you can lay your finger on?

Answer. I do not remember any other act.

Question. How many times did they come into town in this way—in military order?

Answer. I can't say. Several times.

Question. Try and tell us.

Answer. I suppose five or six times, or more.

Question. In what numbers?

Answer. Several hundred.

Question. About how many hundred?

Answer. It is a hard matter to estimate numbers in a mass of people in that way. They extended from this court-house, I think, on some occasions, clear up to the female academy—several hundred yards.

Question. Two or three hundred?

Answer. More than that.

Question. Did they ever go in the style you have described except when attending republican meetings or when they come to vote?

Answer. Sometimes when they had Loyal Leagues they would come in in large numbers.

Question. Were those the only occasions when they came into town?

Answer. Yes, sir; they said then that they were ordered.

Question. By whom?

Answer. They said Mr. Price sent them orders.

Question. Did they not say it was purely for the protection of themselves that they came armed to protect themselves from violence?

Answer. I do not remember. They may have made that statement.

Question. In point of fact, you do not know of a single hostile demonstration that they ever made on these occasions except this attack on the democratic negroes?

Answer. That is all I remember in this town.

Question. How many times did they attend the Loyal Leagues in this military style?

Answer. I don't know. They came at night, and sometimes I would see them from my office pass in large squads.

Question. Are you testifying from what you have seen, or been informed?

Answer. I have seen them pass. At one time they used to come in early at night, and they would come in large numbers.

Question. Were you ever present at one of their Leagues?

Answer. No, sir.

Question. And you were not cognizant of their proceedings?

Answer. No, sir; I never heard an expression.

Question. You never knew any violence to be inflicted by reason of any counsels in those Leagues?

Answer. No, sir.

Question. Have you an idea, sir, that these men, in coming to town in the manner they did, had any other object than to protect themselves from attack?

Answer. I will tell you about that. I do not think the negroes themselves desired to do any violence, but they fired off their guns and made threats. They said if there was any disturbance they would burn the town.

Question. Whom did you hear say that?

Answer. The negroes in the crowd. I couldn't tell who they were.

Question. How many did you hear say that?

Answer. I never heard a great many.
Question. What conditions did they name?
Answer. They said if there was a disturbance between the whites and colored people.
Question. "If there was a disturbance?" Did they not say if they were attacked by the white people?
Answer. The expression was "disturbance;" that is my recollection.
Question. Did not they mean if they were attacked by the white democrats here they would lay the town in ashes?
Answer. I don't know what they meant. There was nobody in town to attack them—no organization to attack them at the time.
Question. No whites here with arms?
Answer. No organized band. I had my police to protect the town.
Question. Your police of eighty men?
Answer. I did not have eighty until it got squally.
Question. You had them all armed?
Answer. I did; but I did not have them armed until it got squally, and I became uneasy. I say eighty; it was seventy-five or eighty, somewhere there.
Question. Are the colored people peaceable at this time?
Answer. I think so; I think there is a better feeling growing up between the whites and blacks now than there has been for a long time.
Question. You think the attitude they assumed at the time was in consequence of the counsels of Price?
Answer. I think Price and Hayes and all were in it. I do not think there is any doubt about that.
Question. You think the fault was more in these men than the negroes?
Answer. Yes, sir; I think the negroes intend to do well now.
Question. Did you hear Houston declare that, upon certain conditions, or under certain circumstances, the town would be burned to ashes?
Answer. Yes, sir.
Question. What were the circumstances he stated?
Answer. He stated that if the colored people were interfered with, the town would be burned up; but he was drinking.
Question. You did not lay much emphasis or stress on that declaration?
Answer. No, sir; only this: its association with other circumstances, while under the influence of whisky and the counsels of evil but superior influences, I think he might have committed the act. But left to himself he never would have done it. He is naturally a well-disposed man.
Question. Price?
Answer. No; Houston.

By Mr. BLAIR:

Question. You do not think Price was a well-disposed man?
Answer. No, sir; I do not.

By the CHAIRMAN:

Question. How long since the Loyal League has been discontinued?
Answer. I do not remember. I don't think I have seen any Loyal Leagues here since 1869; but I do not remember distinctly—since, perhaps, the latter part of that year; but I am not certain.
Question. You say there is no secret organization here now?
Answer. Not that I know of.
Question. Have you any information that there is any secret organization?
Answer. No, sir.
Question. Did you hear no rumors, sir?
Answer. No, sir.
Question. Did you ever hear of an organization called the Ku-Klux Klan?
Answer. I have heard such talk out in public, but I have heard it in no authoritative form.
Question. Do you believe that Klan ever existed in this State?
Answer. I do not know about the State. I do not think it ever did in this county.
Question. What do you think of Choctaw and Greene Counties?
Answer. I do not know; I have not been to Choctaw since the war.
Question. You see people from there frequently?
Answer. Yes, sir; but not to talk about Ku-Klux. When I see them it is on business; I have no social connections down there.
Question. How is it in Greene County?
Answer. If there is any there I don't know it.
Question. Have you never been informed that there is such an organization there?
Answer. No, sir; I have not.
Question. You never have heard that there is such an organization in Greene County?

Answer. No, sir.

Question. Have you not heard that there were a great many outrages committed in Greene County?

Answer. I have heard them from abroad; I do not know about them.

Question. What do you mean by "abroad?"

Answer. Here in town I have heard of them.

Question. What is the character of the outrages you have heard here in town?

Answer. I heard they had some difficulties; for instance, they had some difficulty when Ex-Governors Smith and Parsons and Mr. Warner spoke over at Eutaw; but I know nothing about it.

Question. Have you any belief on the subject, whether there was a riot at Eutaw?

Answer. None, except from hearsay. My opinion is that there was some disturbance there, of course.

Question. Have you ever heard of a riot at Meridian?

Answer. Yes, sir.

Question. What is your belief as to the fact?

Answer. I think there was one.

Question. Did you hear there were several negroes killed?

Answer. I did.

Question. Did you hear there were several negroes killed at Eutaw?

Answer. I heard it, and heard it contradicted.

Question. Have you heard a great many negroes have been killed down in Choctaw?

Answer. I heard that some had been; I cannot say a great many.

Question. Have you heard that they were killed by a band of men in disguise at night?

Answer. I did not hear how they were killed.

Question. Have you heard of any negroes being killed in this county by bands of men in disguise in the night-time?

Answer. I heard there was a man taken out of jail here, just before court, and killed.

Question. Is that the only case you have heard of?

Answer. No, sir. There was a man named Jasper—that was in 1867—he was taken out of jail. I never saw Jasper to know him, and I never saw Zeke High but once.

Question. You heard of Prater?

Answer. Yes, sir.

Question. You heard that in all these cases they were taken out at night by a mob?

Answer. I heard that they were taken out at night by unknown persons.

Question. Did you hear they were disguised?

Answer. My understanding is they were not disguised in the case of Zeke High.

Question. How in Prater's case?

Answer. I don't know.

Question. How in Jasper's case?

Answer. I don't know.

Question. You never heard whether they were disguised or not?

Answer. I suppose I did hear, but I do not know. He had killed a young man named Binn—a white man—a personal matter.

Question. Did you hear that they were disguised?

Answer. I don't remember whether I heard whether they were disguised or not. It was in 1867.

Question. You heard that Jasper and Zeke High were both murdered by this mob?

Answer. They were killed at night by unknown persons.

Question. Do you call that murder?

Answer. I do.

Question. Did you ever hear of any efforts to find out the murderers?

Answer. The sheriff in this county, in the case of Zeke High, said he did not know the persons, and did not know whom to pursue, or how.

Question. I asked, did you know of any efforts made to capture the murderers?

Answer. None that I know of.

Question. Did you ever hear that Burke was murdered by a body of men in disguise, at night?

Answer. I heard that he was killed at Gainesville, but that the men were not disguised. I never saw him.

Question. Did you hear he was killed by a band at night?

Answer. I did. I never saw him to know him myself.

Question. Did you hear that Houston was shot by a band of men at night?

Answer. Yes, sir.

Question. Did you hear that Choutteau's house was shot into?

Answer. Yes, sir.

Question. Did you hear that the following night Coblentz was shot in Choutteau's house?

Answer. Coblentz was killed; yes, sir; I heard of it.

Question. Did you hear that that was done by a body of men in disguise?

Answer. I heard it was done by some persons who went there at night; there was one of these men killed, because I saw his brains myself.

Question. Did you see the disguise he wore?

Answer. No, sir; I heard he had one; I did not see them.

Question. Did you hear that the men who visited Choutteau's house that night were disguised?

Answer. No, sir; they said they did not see them; that is what they told me.

Question. Who told you that?

Answer. Choutteau told me that.

Question. Have you any other information except from Choutteau?

Answer. His wife.

Question. Did you hear from any source that that gang of men were disguised?

Answer. I did not, excepting that circumstance that they picked up a disguise; that was on the man who was shot; that was what was stated; but I did not see them.

Question. Have you heard of any whipping of negroes by bands of men at night?

Answer. I do not know that I have quite lately. It does not recur to me now.

Question. At any time since the war?

Answer. I do not remember. If you will specify a case, it may bring it to my mind; but I do not remember any now.

Question. You do not remember any instance where a negro has been whipped by a body of men after night?

Answer. I think I have heard, but I cannot specify them. I do not remember.

Question. In these cases of whipping and murder, you do not suppose that these men came together by mere accident, do you; you suppose it was a matter of preconcert, don't you?

Answer. I should think so; I do not know; my idea about it is that these acts—these eruptive acts—are the consequences of revolutionary times.

Question. I am not asking now for any speculation on that subject. I am asking you whether these acts indicated that there was a league on the part of the men who inflicted these outrages?

Answer. All I know about it is that they were inflicted, and by unknown persons; whether there was any league or not I have no information.

Question. Have you ever heard that any of the men concerned in these outrages, whether whippings, murders, or what not, have ever been punished?

Answer. I do not now remember an instance.

Question. What efforts on the part of the community have been made in order to bring the perpetrators of these outrages to justice?

Answer. In the case of Jasper there was every effort made to find out who perpetrated these acts.

Question. What efforts?

Answer. I, as intendant, got nearly every man in town, I think, and investigated the subject thoroughly, and I examined the testimony. I think I swore nearly every man in town, and examined him as to others.

Question. Why did you examine every man in town if the thing was done at midnight, when the people were asleep?

Answer. Because I wanted to find out whether any of them had anything to do with it. I did not want the thing done in town.

Question. Did you ascertain whether they came from a distance?

Answer. I do not know; the sheriff pursued them out in an eastern direction.

Question. In the case of Jasper?

Answer. No, sir; in the case of Coblentz. I intended to say in the Coblentz case, the sheriff pursued. In the case of Jasper, I examined I don't know how many witnesses. I investigated that case thoroughly.

Question. Did you discover from what direction the men came?

Answer. No, sir; I could not find out anything about it.

Question. You could not find out whence they came, nor where they went?

Answer. No, sir.

Question. Did the evidence show that they were strangers in this community?

Answer. It did not show anything, only that they did not live here. I do not know where they came from, or anything about it.

Question. How in the case of Zeke High; were they strangers from a distance?

Answer. No, sir.

Question. Was any pursuit made next morning?

Answer. I do not know whether there was or not; not that I know of.

Question. What efforts were made to discover the murderers of Burk?

Answer. I don't know; that is up at Gainesville, eighteen or twenty miles from here

Question. What in the case of the men that shot Houston?

Answer. I made every effort in that case that I could.

Question. Tell what efforts that you made.

Answer. I put the marshal out upon the alert. I told him to do everything he possibly could to ascertain if we could get any information or any evidence whatever concerning the fact. I put other parties to work, and worked myself.

Question. You heard that Choutteau's house was burned down before he moved to town?

Answer. Yes, sir; I heard so.

Question. Were the perpetrators of that outrage ever discovered?

Answer. I do not know; if they were, I did not know.

Question. Were not all the outrages you have just referred to committed upon republicans?

Answer. Let's see. I don't know that all of them were. I don't know that parties had assumed any definite shape. I do not know what Jasper's politics were. He killed a white man, and I don't know what his politics were.

Question. Was he not a white man?

Answer. Binn was a white man, that he killed and robbed.

Question. Jasper?

Answer. I don't know what his politics were; I never saw him.

Question. What were the politics of Zeke High?

Answer. He was a republican.

Question. Choutteau?

Answer. Choutteau, when he was here, professed to be a republican.

Question. What were Burk's politics?

Answer. But Choutteau was about a half-cracked man. He said Abrahams and Price were Ku-Klux, and went off and said I was a damned Ku-Klux. He was a man whose mind seemed almost unbalanced.

Question. He had outrages enough to unbalance his mind?

Answer. I don't know.

Question. Was he not compelled to leave the community to save his life?

Answer. He came to me and I told him I thought it would tend to the quiet of the community for him to leave. He had many enemies here among the whites and blacks too. The negroes had lost respect for him, and I advised him, as an act of pacification to all parties, to leave.

Question. Houston was a republican?

Answer. Yes, sir.

Question. He was a member of the legislature at that time?

Answer. Yes, sir.

Question. Burk was a republican?

Answer. I think he was. I never saw him.

Question. Was he likewise a member of the legislature?

Answer. Yes, sir.

By Mr. RICE:

Question. Who was the disguised man killed at Choutteau's house?

Answer. I don't know, except from hearsay.

By the CHAIRMAN:

Question. What was his name?

Answer. I understood his name was Dr. Browning; I think that is what they said.

Question. Where did he live?

Answer. He had been to Texas, but at the time he was killed he was living in the upper end of the county, I think. I never saw him to know him.

Question. Where was he taken to after he was shot?

Answer. I don't know.

Question. Was he not tracked by his blood?

Answer. He was tracked to some extent, but I think they lost the track. I don't know where he was taken to.

Question. Was he a young man?

Answer. I don't know.

Question. Did his parents live in this part of the country?

Answer. I think they did. I don't know either of them.

Question. Was he not taken home?

Answer. I don't know.

Question. Do you yourself belong to any secret organization?

Answer. No, sir. In the democratic party we have caucuses sometimes, like any other party.

Question. Did you ever see any person initiated into any secret organization?

Answer. No, sir.

Question. Do you know of any, or have you been informed of any, secret, oath-bound organization in this town?

Answer. Not that I know of.

Question. Have you been informed of any?
Answer. No, sir.
Question. Have you been informed of any secret, oath-bound organization in this county?
Answer. No, sir.
Question. You never have heard of any such?
Answer. I do not know anything of them.
Question. I am not asking for your knowledge, but for your information.
Answer. I understand. I have no information on that subject at all.
Question. What have you heard were the purposes and objects of this Ku-Klux organization; what do they seek to accomplish, as far as your information extends?
Answer. I do not know that there is a Ku-Klux organization. I do not think there has ever been any in this county; that is, an organization. If I understand what you mean by Ku-Klux, I do not think there has ever been one in this county.
Question. My question is what your information is as to the objects of that organization; what they seek to accomplish.
Answer. I don't know.
Question. Have you never heard?
Answer. No, sir.
Question. Have you never read?
Answer. Never read about the Ku-Klux?
Question. Yes.
Answer. No, I do not know. I have never read anything about Ku-Klux that gave me any information concerning them or their objects. I have not read any newspapers for the last twelve months, except Greeley's Tribune, and the Livingston Journal, and one or two others, and there is nothing in either of them, that I know of, that gives me any information concerning the Ku-Klux.
Question. Have you never seen anything in Mr. Greeley's paper concerning the Ku-Klux and their object?
Answer. Yes, sir; I see his assertions, but I see no information—nothing to communicate information.
Question. You put no credit in those assertions?
Answer. I don't take newspaper assertions for truth.
Question. What did you see asserted in his newspaper as the object of the organization?
Answer. O, well, he says—I have seen it stated in his paper that the object was to deter people.
Question. From what?
Answer. From voting—control the country by violence. That is his assertion.
Question. To control the political action of the negroes?
Answer. Yes, sir; by violence. All republicans, I think he said; but that is his assertion, and I don't take that as my information.
Question. What is your information as to the purposes of the organization?
Answer. I have none.
Question. You do not doubt but such an organization has existed in the past somewhere?
Answer. It is stated that it used to exist in Germany, in the legions of Germany.
Question. The Ku-Klux organization?
Answer. I think so.
Question. What did it exist there for?
Answer. It was a long time ago, to carry out their objects and purposes, to control the country; that is my recollection. I used to read something of it a long time ago, in the history of that country; but if there is any organization of that kind here I don't know anything of it.
Question. My question was, whether you have any belief that that organization has ever existed in any part of Alabama?
Answer. I can only answer for Sumter County. I don't believe there has ever been any here.
Question. Those organizations, that kill men at midnight, what do you call them?
Answer. I do not think they are organizations; I think they are sporadic eruptions, growing out of the revolutionary times; or the demoralization consequent on the revolution we have had. That is my idea of it.
Question. What seems to be the purpose of these assassinations in this county by this sporadic organization?
Answer. I said sporadic eruptions.
Question. Very well, sporadic eruptions?
Answer. It may be an organization, but I do not think it amounts to an organization.
Question. What seemed to be their purpose in this county, to kill?
Answer. I don't know. I don't think it has been political.
Question. I am asking whether their purpose seemed to be to kill?

Answer. In some cases they have killed.

Question. Was your curiosity ever sufficiently excited to ascertain what was the cause of killing in the different cases that occurred?

Answer. I tried to find out, as I stated a while ago, in several cases.

Question. Were your efforts all baffled?

Answer. I could not find out; I did my best.

Question. Have your courts proved unequal to the task of grappling with these "sporadic eruptions," as you call them?

Answer. I think that our officials have been more inefficient than they ought to have been.

Question. You probably refer to the grand jury which got some of these Ku-Klux on them?

Answer. No, sir.

Question. That would baffle any attempts to bring them to justice?

Answer. I don't think our grand juries are made up of Ku-Klux.

Question. If there were members of that organization on the grand jury it would baffle all efforts of the court to put them down or punish their perpetrators?

Answer. I cannot say about that. It would depend on whether the majority were Ku-Klux or not.

Question. It requires some twelve men in a grand jury to find a bill of indictment?

Answer. Yes, sir.

Question. The concurrence of twelve men?

Answer. Yes, sir. If they were all Ku-Klux I should not think they would find a bill.

Question. If there was one Ku-Klux on the grand jury, that would prevent the finding of a bill against a member of that order, would it not?

Answer. I don't know anything about Ku-Klux; I can't tell what they would do. I suppose if a man——

Question. You have heard that term a thousand times?

Answer. Yes, sir.

Question. What do you understand it to mean?

Answer. Well, sir, I can't tell you what the papers say and what Mr. Greeley stated, but what it really was—I don't take newspaper assertions for facts.

By Mr. RICE:

Question. What do you understand Ku-Klux to mean?

Answer. I don't believe there is such a thing in the country or ever has been.

Question. Nowhere?

Answer. I can't understand a thing that don't exist to be anything. If there is no existence of any organization of that kind, and my belief is that there is none, I don't see how it can have life, purpose, action, or object.

By the CHAIRMAN:

Question. Suppose repeated instances occurred where bands of men were disguised, and meet together at midnight at some common point of rendezvous and went to inflict a murder, would not that argue the existence of an organization?

Answer. It would argue the existence of persons who had collected together for the purpose of violence.

Question. Would not that make an organization?

Answer. It might be an organization for a specific purpose, or temporary objects. That would not necessarily be a systematized organization, and one intended to produce——

Question. It would be a systematized organization for the particular purpose in view?

Answer. It would be an organization effective for the object it then had in view.

Question. Do you think there would be any practical difficulty in finding out the perpetrators of an outrage if a band of disguised men were to kill a prominent citizen of this town at midnight?

Answer. Yes, sir, I do; because I believe when assassins do a thing of that kind in the night, and get off without being discovered, that the opportunity for detection is past.

Question. But if all good men in the community were bent upon discovering the murderers and made earnest pursuit, would there be any practical difficulty in catching one or more of them?

Answer. I think very likely there would unless men could be up all the time. The sheriff can get as many men as he wants to help him.

Question. How do you hope to stop the perpetration of these outrages?

Answer. By the supremacy of the moral and intellectual power of the country, which will come.

Question. It has been a long time coming, has it not?

Answer. I think it has been coming on pretty well.

Question. Do you think it will come when the democratic party shall acquire the ascendency in the State and county?

Answer. I will state this, it will come when the good men are in power, whether republicans or democrats.

Question. You think this state of things exists because bad men have been in power?

Answer. I think so, sir.

Question. Why should these disguised men select harmless negroes to murder because bad men are in power?

Answer. I don't know; you will have to ask them.

Question. I am asking you.

Answer. I am not one of them.

Question. What connection is there between the murder of inoffensive negroes and the existence of bad officials?

Answer. Now you see some of these persons that have been killed are active disturbers of the peace themselves. This man Zeke High, for instance, was a man of bad character. That does not justify the killing of him, by any means. But he was a man of violence himself. He said he killed Collins, and with his general talk that he had his pistol and nobody should take it from him—that was irritating repeating itself.

Question. Why should that cause a band of men to come from a distance to murder him?

Answer. I don't know where they came from. I say I don't think it is any justification, but I say these persons who had been unfortunate in that way are bad men themselves frequently. They have been made bad by the influences they have been in contact with.

Question. Burke was a good man, was he not?

Answer. I never knew anything of him.

Question. Why should Burke have been killed because there were bad officials?

Answer. I don't think he ought to have been killed any way. I don't know anything about him or his character.

Question. Was Houston a good man?

Answer. He was until he was injured by his association with other people.

Question. Why should not the men who debauched him been killed instead of Houston?

Answer. I don't know anything about that. Houston was noisy. He got noisy and fulsome, and when he was drinking he was boisterous in his language and manners.

Question. And you think he was killed for this cause by a band of men?

Answer. He was not killed at all.

Question. Or shot?

Answer. I can't tell; I give you facts; you can draw the inferences as well as I can.

Question. Do you think Burke was killed because he was a colored representative?

Answer. I don't know why he was killed; I never heard; I never saw Burke.

COLUMBUS, MISSISSIPPI, *November* 11, 1871.

NEWTON L. WHITFIELD sworn and examined.

The CHAIRMAN. This witness having been called at the instance of the minority, General Blair will please open his examination.

By Mr. BLAIR:

Question. Please state your place of residence, and occupation or profession.

Answer. I reside in Tuscaloosa County, Alabama, below the city of Tuscaloosa a few miles. My occupation is farming, sir. I practiced law in the city of Tuscaloosa; I practiced law there until the war began, and then moved out on my farm.

Question. Major Whitfield, we had before us Judge Peck, who, I believe, lives in your place.

Answer. He lives in the city of Tuscaloosa.

Question. He testified to some outrages, as he called them, committed in Tuscaloosa County. Among the first of which he spoke was one committed against Mr. Crossland, a member of the legislature, and another member of the legislature from Pickens County, and a young man. Do you know anything about the circumstances attending that affair? I wish you to state them fully to the committee.

Answer. Mr. Crossland was a member of the legislature, and in crossing the Sipsey River about the line of Tuscaloosa County and Fayette, at Moor's Bridge, I believe it is called, while on or about the bridge he was shot and killed, and a young man from, I think, Pickens County, was with him, who was wounded at the same time. I had

an impression that the young man had recovered; but some one told me Judge Peck had testified that he died. I am not distinct as to that. My impression was that he recovered from the wound; that he was badly wounded, though.

By Mr. RICE:

Question. Judge Peck said he had recovered.

Answer. My impression was that he had recovered. Then that is true; I had heard some one say that he was reported by Judge Peck to be killed; that that young man was killed. The sheriff, at the time of this killing, was Thomas P. Lewis. I think he was an appointee. He sent some parties out there. He did not go himself; and they found the report was that one man sat at the root of a tree out from the bridge; they found the track of but one man; they saw where the breech of his gun sat; it was in the sandy bottom, and he had sat whittling a chip of wood waiting there for Crossland; and they found no evidence of anybody but the one track. It was so reported to the sheriff at least. The party never was found, and it never has been ascertained who the party was.

By Mr. BLAIR:

Question. What was this murder attributed to?

Answer. Well, it was attributed by some parties to his politics. The public in that section of the country, the citizens with whom I talked about it—I do not live in that section, but I know them all—they said it came out of a difficulty and a litigation between him and one McGee, who was a sort of desperado before the war came out. I do not know what became of him. It was about McGee's wife. Crossland protected the woman and McGee did not like it, and they had a very serious difficulty. Others said it grew out of a difficulty about a ditch in the Sipsey bottom in which he was litigating some of his neighbors. There was another rumor with some parties that Crossland had taken a pretty active part at the opening of the war in getting up the Hill fellows, as they called them, to be enlisted.

Question. In the confederate army?

Answer. Yes, sir; at the opening of the war he was a confederate. He reported some of the Hill men who were said to shirk to keep out of the army, and his killing was attributed by some parties to his politics; by some to the difficulty with McGee and Cooper; and by others to the fact that he broke some men into the army who were trying to get out of it.

Question. If it was on account of his politics, would they not just as readily have taken Judge Peck or any of twenty or thirty other men around there?

Answer. Well, Mr. Crossland was not an active man, not a prominent man; he was a plain countryman. I do not know; I do not see that Crossland's politics would attract much attention. There were many more prominent men—radical men—than Crossland there, a great many. This ditch matter, and this McGee matter, and some other differences there, involved him in long and litigious disputes. Judge Peck, I recollect, was Crossland's attorney in two or three of these cases. If he had been questioned he would have been able to tell a good deal about these settlement difficulties that occurred with Crossland and these men.

Question. What is the better opinion as to the cause of his death?

Answer. Well, the citizens with whom I have talked there believe he was killed, growing out of these difficulties. That was their impression; that it was an old grudge.

Question. A personal quarrel?

Answer. A personal quarrel between him and these parties. That is the idea of citizens I have talked with about it; but, as I told you, there are others, the two parties; there are the radicals; Judge Peck and that class of men believe that he was killed on account of his politics. I know the country very well. I talked with a number of the citizens. Two of the citizens, I recollect, remarked that they had expected Crossland to be killed for years in his settlement difficulties.

Question. In his personal quarrels?

Answer. Yes, sir; difficulties that grew up.

Question. Judge Peck stated in his testimony that he thought there had been fifty murders in Tuscaloosa since the war.

Answer. If I had a little leisure I think I could give every man's name that has been killed there since the war, unless it has been the names of a few negroes that have been killed there. I could give the white men that have been killed, because killing in our country is pretty generally noted.

Question. Is there anything like that number?

Answer. O, no, sir.

Question. Do you think that is a gross exaggeration?

Answer. I think it very greatly transcends. If the committee would wait on me, I think I could furnish the names of the white men killed. I could not of some negroes that have been killed.

Question. What number do you think, on a rough estimate, would include all the homicides, white and black?

Answer. I do not think there have been over a dozen there, general. There may have been. I am sure it would not exceed fifteen that I have heard of in the county.

Question. That, you think, is a large estimate?

Answer. Yes, sir. I think I could give a list of every man that has been killed there since the surrender. Crossland was about the first; Wilson followed; not long after, Miller; and then two old men in that section of the county had a fight, and one killed the other; then Simpson was killed; then Sellers killed his opponent; I do not remember his opponent's name. A Dutchman named Frankenham ran off with a young girl and seduced her. She was about fourteen. He ran off and was killed. Maberry killed Christian, who was a drunken sort of a desperado. He came upon him whipping a negro girl. He interfered, and Christian turned upon him, and Maberry killed him. John Joy was killed by a young gentleman named Miller. Wilson was assaulted at his house—an old gentleman reputed to have gold—and killed, and three parties who did it were found out, and two of them were killed by his son. The three parties were found out, and two of them killed.

Question. Were these all white men?

Answer. Yes, sir; and all democrats, I believe. Simpson and Christian were. Well Miller, I believe, was a radical Simpson and Christian were democrats; Sellers and his man were democrats. Most of this killing, I think the majority, grew out of personal difficulties there; and they don't make up the number. There may be one or two others, but I think these are about the number of white men that have been killed since the surrender. And there was an old man up north of Tuscaloosa there that was killed. I forget his name. He was a white man.

Question. What was he killed for?

Answer. They never knew what he was killed for. I was on the grand jury.

Question. Who was he killed by?

Answer. It was supposed that he was killed by a body of men that had gone out from just north of town there; and subsequently a negro was killed in Greene County, who had had some difficulties before with the old man about potatoes, and about a potato patch. I don't know whether the negro accused the old man of stealing his potatoes, or the old man the negro of stealing his, but there was a charge, and it afterwards transpired—at least the negro's wife said, after he got into a difficulty in the county below and was killed—his wife said he had killed this man, or that he had killed two men in his neighborhood. We knew of one, and this other was down in his neighborhood. It was supposed he had killed this old man growing out of the potato difficulty. I do not remember any other white men killed; there have been some negroes killed.

Question. You spoke of a raid?

Answer. Yes, sir.

Question. Judge Peck stated that he did not remember exactly the time it occurred; but a raid was made in Tuscaloosa and a number killed, and one Ku-Klux was killed; one killed clinging to the clothes of his former mistress. He says that this was mentioned to him in a letter from his daughter; she mentioned a dozen killed; he thought that was an exageration. The raid was against a negro man against whom there was prejudice; it was in the day-time, and the young man named Finley was killed; the men were in disguise. Was Finley killed in this raid or not?

Answer. Yes, sir; in that raid; the facts pretty well transpired. They had a preliminary investigation there. A great many parties were brought before the justices; they were a week or two investigating; they summoned parties and brought them up investigating. Two young men who had come into the little town opposite Tuscaloosa, trading in a wagon, going out home in the evening, passed where this negro lived, and just beyond his house a child of the negroes, a little negro boy, seemed to be frightened. They said they were going to take him in the wagon, and take him off. He ran to his father's house shricking and crying, and his father, this negro, got a gun and pursued these men; they were not armed; they had been trading; and he, as they reported, raised to fire at them; they sunk down in the wagon; he followed them on some time, abusing them a great deal; the abuse all came out; I don't remember what it was. So it was, he abused them very much; he had his gun; it was in the evening. After they had got home—they lived but a little ways—about dark, they came back with some other parties—they were not disguised—to whip the negro for assailing them on the road. At least that is what they said; they intended to give him a whipping for pursuing them and drawing a gun on them, and threatening to shoot them. When they went to the premises, however, there were several negroes there armed, and this particular negro shot Finley down when he came into the yard, and he died directly. There were some other guns fired upon the party, and Finley being shot, they retreated and left the premises. The negro escaped. Finley died pretty soon, and was carried home dead. There were three, I think, other negroes in the house—a brother and a connection of this negro. The next day this raid that Judge Peck speaks of occurred,

and below town they caught one of these negroes that was in the house and killed him. Subsequently they got hold of another one of them and killed him. At the time that this occurred the first rumor was that there had been five or six white men killed, and five or six or a dozen negroes. The facts as they came out were: Finley was killed, and subsequently these two negroes were killed, and that is all the killing there was. I suppose about the time Judge Peck's daughter wrote, an idea prevailed that there had been five or six white men, and as many or more negroes, killed. There was quite a panic in the city and country until the facts were brought out before this investigation.

Question. The only killing, then, was of the two negroes?

Answer. Finley was killed and two negroes were killed when they came to ascertain the facts. The negro that killed Finley escaped. He staid all night that night with a freedman living on my plantation. They pursued and came very near catching up with him there; but he escaped down into a county below, Hale County, some twelve months afterward. I never knew how. He got into some difficulty down there and was killed.

Question. In Hale County?

Answer. Yes, sir; some thirty miles below, and his wife said he had killed Finley and another man in the neighborhood; and the only white man killed was this old man killed about the potatoes, and it was supposed he was the other white man he had killed.

Question. This affair had no politics about it, this raid?

Answer. O, it grew out of—as the facts came out before the justice, and the mayor of the city had some parties summoned also—it grew out of the scaring of this little negro child, and he ran home shrieking. The negro man that shot Finley was not conspicuous at all. I never heard of him before.

Question. Judge Peck, I see, states that he was a negro of bad character?

Answer. I never heard anything of the sort about him. I do not think he was set down as a conspicuous negro of bad character at all. I never heard anything of the sort. The whole matter grew out of his child being alarmed by these two men.

Question. Judge Peck stated that some colored man during that raid was arrested, and taken out and shot shortly afterward, in the night, by a body of men in disguise.

Answer. During that raid?

Question. Yes; that a man was arrested during that raid and put in jail for safety.

Answer. That is one of the two parties that was killed, one of the two negroes I told you of. One negro was killed before, and the one that was put in jail was taken out and killed by this party.

Question. Was he taken out by disguised men?

Answer. Yes, sir; I reckon they were. I was not in the city at the time. I think they were disguised men that took him out.

Question. He speaks of some man walking with his wife, he does not give his name, who was shot by three or four men.

The WITNESS. A white man or a negro?

Mr. BLAIR. He does not say.

The WITNESS. Does he say whether it was about the city or in the country, sir?

Mr. BLAIR. I do not remember; but he says a man walking with his wife was shot by three or four men.

Answer. I think, perhaps, that was Simpson, one of the names I have given here. I think Simpson's wife, when he was attacked, escaped; they were on the road, and Simpson was killed.

Question. Was he a white man?

Answer. Yes, sir; Simpson was a white man.

Question. What was he killed for?

Answer. We never knew. His father got an indictment against some of the parties that he suspected of killing him. They both were of the same politics—the parties indicted. I suppose it was not a political matter. It was way up in the mountain part of the county, and it seemed to have grown out of some old difficulties up there. The parties suspected of the killing were indicted, two of them I believe; but they never succeeded in proving it. The father got up the indictment. I believe the case is pending in court yet.

Question. They were of the same politics?

Answer. Yes, sir; they were all democrats, Simpson and these men; I mean the men who are indicted.

Question. He says "There was a negro man hung; don't remember his name." Do you remember the hanging of a negro man there?

Answer. There was a negro man, I think, hung down in Hale County, below Tuscaloosa County. That is the only hanging I remember of, sir.

Question. It is not in Tuscaloosa?

Answer. No, sir.

Question. Has there been a negro man convicted and hung there for crime?

Answer. No, sir.

Question. You do not remember to have heard of any negro man hung in that county?

Answer. No, sir; I do not.

Question. A young man named Miller, taken by a company of disguised men in the presence of his father, found in a stream afterward, shot in the day-time.

Answer. That is one of the cases I mentioned being killed. Young Miller was killed, and his body found in a stream.

Question. How was he killed, and by whom, and what was the cause?

Answer. There were two parties in that region, sir; Sam Davies belonged to one of them. A raid came to Davies's one night—I believe they were disguised—and they went into his house and dragged his daughters out of bed in their night-clothes; they did not violate them—this is Davies's report—but they acted very badly; and the other party was headed by the father of this young man Miller, and they charged that it was the Miller party that did this thing. Upon what evidence I do not know. Old man Miller, though, was a radical; and his son that was killed—I don't know, I suppose he was a radical. He was a young man, and young men adopt their fathers' politics generally. A raid was committed upon Davies a short time before that, and it was understood that the two parties were in hostile array against each other. Some time afterward young Miller was killed, and his body, as Judge Peck said, was found in the river.

Question. You say old man Miller was at the head of it?

Answer. I do not know that; that was the charge. There were two parties—the Miller party and the Davies party. Davies's house was raided and his girls put out of bed. That is the information we got generally about it in our section of country; but they did not do them any violence; I suppose alarmed them very much; Davies slid out, and he thought if they got hold of him they would, perhaps, have hurt him; afterward, not long, young Miller was seized by, I suppose, men in disguise—I don't know how that was—and killed, and his body thrown in the river.

Question. The party that raided Davies's house were disguised?

Answer. Yes, sir,

Question. What was Davies?

Answer. Davies was a farmer up there; he lived on his farm.

Question. What were his politics?

Answer. Davies was a democrat.

Question. It was just alleged that this Davies and the other party—the Millers—were in hostility?

Answer. Yes, sir; there were two parties. There is a good deal of strife up in that country between two parties.

Question. What is it?

Answer. I have heard that there were men on each side of both politics. I do not know how that is, but I know Davies was a democrat and old man Miller a radical.

Question. Was the quarrel supposed to be about politics?

Answer. I never heard, General Blair. I talked with Davies himself about the raid at his house, and he told me the facts as I give them to you. I was not acquainted with old man Miller; I saw him, though. All I know is, Davies was raided, and subsequently Miller was killed; and then the Miller—I am not sure that the other party is called the Davies party; it was headed by some one there; Davies, I know, was a democrat, and Miller, the old man, was a radical.

Question. State whether the feud grew out of politics or not.

Answer. I do not know. I have understood that parties were of both politics. There is a good many—they are pretty well divided up there into democrats and republicans. Just across the river, where this body was found, I believe most of the people are republicans. It is a pretty strong republican box, I think; that is, they vote pretty strongly republican there. I do not know the politics of any but the two men, Miller and Davies, that belonged to those parties.

Question. Was Miller taken in the presence of his father and shot?

Answer. It was done at night, I think.

Question. He says in the day-time?

Answer. No, sir; he was killed at night, I know. I was up in a little village, at a railroad meeting, soon afterward, when I got the facts I state to you. Miller had been in the little town that day; there had been a meeting there. I do not remember for what purpose—whether a little justice of the peace election or not. Young Miller had been in town; the country was out generally. They staid there till pretty late, and after night, I suppose, Miller was on his way home. I know it was after night he was taken, and was killed and thrown into the river.

Question. Judge Peck speaks of a colored man who kept school for black people, who was taken by the Ku-Klux and severely whipped, tied to a tree; the church-bells rang and they dispersed; one lost his sheet. Afterward the man was shot, and went off to Tennessee.

Answer. I suppose this refers to a colored man who was whipped, who kept a school.

Question. What do you know about that transaction?

Answer. It occurred in the city, of course, as he speaks of church-bells ringing. I don't know anything about that.

Question. Did you never hear of such a transaction?

Answer. That mention of the sheet matter—I recollect hearing something about the Ku-Klux disguise being found—a sheet or something of that kind; but I do not remember a negro being tied to a tree, or I never heard of it.

Question. And the church-bells ringing?

Answer. I never heard of that.

Question. And the negro afterward being shot, and running off to Tennessee and keeping a colored school?

Answer. That has all escaped me.

Question. Could there have been such a transaction there without your hearing of it?

Answer. I think I would have heard of it, general; I am in the city very often, sir.

Question. The ringing of the bells on such an occasion would have been noticed by the whole town, would it not?

Answer. Yes; it seems to me I would have heard it. I never heard it; or if I did, it has escaped my memory entirely.

Question. He had belonged to Mr. Charles W. Foster, of Tuscaloosa, a trusty and intelligent negro?

Answer. I know Foster very well. He is one of our estimable merchants.

Question. Did you ever hear of a negro who had belonged to Mr. Charles W. Foster?

Answer. Charles M. Foster.

Question. A trusty and intelligent negro whipped and tied to a tree?

Answer. I cannot call it to mind.

Question. Do you know Mr. Foster?

Answer. Yes, sir; Mr. Foster is a New Jersey man who has lived with us a long time; one of the wealthiest and most estimable men we have.

Question. He says the last outbreak by Ku-Klux was a colored man attacked in his house; they broke open his door, and shot and killed Mr. Samuel, clerk of the court, in a store; the negro himself was killed.

Answer. That is true, sir.

Question. What were the circumstances of his killing?

Answer. The negro was living in adultery, as they charged, with a white woman. I suppose he was living in adultery; they were not married; and young Samuel gathered a party in town and went out, I suppose, to Ku-Klux him, and Samuel was shot, and the negro was killed. Samuel was the son; his father is a man that has lived there a good while.

Question. Was he a clerk of the court?

Answer. He was once, had something to do with it; I think that his brother was the clerk; he wrote in the clerk's office a good deal.

Question. This negro man was named Bill Washington?

Answer. Yes, sir.

Question. Were the parties in disguise?

Answer. I reckon they were. I do not know about that; but I presume they were. I never heard about that, whether they were disguised or not; but I think there were several negroes in the neighborhood who saw the party. It was at night, and they never were able to tell anybody but Samuel. Samuel's father is a radical; but he is a very quiet, estimable man. I do not know what the young man's politics were.

Question. His father was a republican?

Answer. Yes, sir; the old man Samuel is a republican. I don't know what the politics of the young man Samuel were. He was fully grown at the time, I suppose.

Question. The judge expresses the opinion that the execution of the law is made impracticable by the grand and petit juries with Ku-Klux on them, and that the larger class of persons engaged in these affairs will suppress the truth, not swear to what is true.

Answer. Well, when Crossland was killed, and when this raid of the negroes took place, the sheriff was this man Lewis; he was a dissipated man, a radical; the citizens moved Governor Smith, then governor, to put him out of office; and Smith did it, and he was succeeded by Pignes. Pignes arrested, or attempted to arrest, one of the men; found a true bill against one of the men that was in the raid; they found out one of them named Lovejoy; they found a true bill against Lovejoy as being in the raid that came there and killed the negro. The sheriff heard he was in town one day, and sent a *posse* of men after him, so that he supposed he would not escape; but he did escape them, and Lovejoy fired on the men and they on him, and they pursued him eight or ten miles down the river, and finally he got lost from them in the cane-brake, and got away, and I suppose he had fled the country. There were a good many discharges after him. He was indicted for this negro riot; they pursued him, and he was

wounded, they knew; they found out another in that riot named Joy, who was killed. The new sheriff had writs against Joy; he was away out in the country some distance, and had come down. The sheriff expected, when he came down to town, he would catch him; he had no idea he would catch him in the country. He came down to the little village on the opposite side of the river, and the very evening he came in he got into a difficulty with this man Miller, and Miller killed him.

Question. Was that the same Miller that was afterward killed?

Answer. No, sir; it was a different Miller. They were both of the same politics—Joy and Miller. It was a personal matter. The sheriff failed, therefore, to get Joy, since Miller killed him. He failed to get Lovejoy, though he was wounded; he got off in the cane-brake. These two men were found out, and indicted by the jury. Those are the facts in reference to the pursuit of them. I believe they found an indictment against Mayfield in the same case, and he fled the country. The grand jury succeeded in ferreting out three of the parties, and Mayfield fled the country.

Question. That was for the raid which grew out of the scaring of that little boy?

Answer. Yes, sir; and when they had taken the negro that was put in jail and killed him these parties were pursued in that way by the new appointee of Governor Smith. The Crossland matter after this new sheriff came in had passed off for some time; but the new sheriff made all efforts, but they could only find out where one party set his gun down in the sand, and where he whittled with his knife, and two foot-prints. They did not discover that there was any other man than one man. If there was any other man they did not discover him. I know all efforts were made by the new sheriff. He went to work very vigorously. For two years, up to a short time since, they had a United States camp of soldiers stationed in Tuscaloosa, who were in active co-operation with the new sheriff to take hold of any parties it was understood should commit violence, and to help the sheriff in any case where it was necessary to take hold of the parties. The military remained there nearly two years, I think.

Question. Who was in command there?

Answer. I think it was a Captain Hendricks. I have met him several times. I saw him on the street, and I think that was his name.

Question. Did you ever have any conversation with him about these matters?

Answer. I was present at a conversation with Captain Hendricks in the post-office on one occasion, when he was talking to some gentlemen. He was not addressing himself to me.

Question. What did he say in reference to these things?

Answer. He was speaking about their being moved from there; he did not see any necessity of the camp's remaining there; it was an expensive point to feed the soldiers, and he didn't see any occasion for it, or something to that effect.

Question. Did he speak about the quiet of the place?

Answer. Yes, sir; that was the idea; that the country was quiet, and he saw no necessity for the military being there, so far as that matter was concerned.

Question. Judge Peck spoke of a riot or affair at Jacksonville, Calhoun County, where five or six men were killed by a raid of Ku-Klux, and one or two white people; the rest of them were colored.

Answer. I reckon that was a little below Jacksonville; that made quite a parade in the eastern part of the State. I never got hold of the facts. I think some parties were shot at coming out of church.

Question. That is a little negro village near Jackson?

Answer. Yes, sir.

Question. What is it called?

Answer. I am trying to think of it. I know Governor Parsons and Governor Smith were up there a long time investigating that matter.

Question. Patona?

Answer. That is a few miles south of Jacksonville.

Question. That was where a number of negroes fired upon white people coming out of church?

Answer. Yes, sir; such was the report. That is the case, I am satisfied. Our papers published an account of it. I know there was no other such case.

Question. We have had testimony in regard to the case. All I desire of it is to identify that transaction which is spoken of by Judge Peck with the Patona affair of which we have had testimony.

Answer. I have heard of no such occurrence, except that. Patona is in the same county, a little south of Jacksonville. It is a case we know about in my section of the State.

By the CHAIRMAN:

Question. Are Patona and Cross Plains in Calhoun County?

Answer. Yes, sir; I think it is in Calhoun County, a short distance.

By Mr. BLAIR:

Question. You never heard of a raid, a Ku-Klux raid, in Jacksonville, by which five or six persons were killed?

Answer. No, sir; I never heard of it. It is in the eastern part of the State, and we usually see in the newspapers anything of that magnitude.

Question. You don't think it could have escaped you?

Answer. No, sir. If it had been published in the newspapers it would not have escaped me. I think it is the same occurrence Judge Peck must have referred to.

Question. That is the only occurrence of that magnitude you ever heard of in Calhoun County?

Answer. Yes, sir.

Question. The judge says Hale, Greene, Sumter, and Pickens have been very bad counties for Ku-Klux.

Answer. Well, about Greensborough they had considerable stir about Ku-Klux and the probate judge. I am well down; the county comes up by me; in the other part of the county it is very quiet, so far as I know.

Question. Do you know this man Dr. Blackford?

Answer. No, sir; I don't know him.

Question. The judge thinks that the Union men who have office in this country have been defamed by the old rebels.

Answer. Judge Peck himself has been very severely assailed by one of our papers in Tuscaloosa repeatedly as a radical; but I could name a large number of men there who did not sympathize with the South in the late war at all. Well, they were northern men. We have a number of northern men in our place that are doing business, and are the most prosperous men who are there, and who, during the war, did not sympathize with it. This Charles M. Foster is one of our wealthiest men. It was very well understood he had no sympathy with the rebellion. Since then he has gone on with his business, and is one of our most substantial citizens.

Question. Is he a radical?

Answer. No, sir; he is not set down as a radical; but I don't think he votes.

Question. Don't vote at all?

Answer. I don't think he votes. He may have voted in the last election. I know preceding the last election he had retired from the box.

Question. The judge knows no man who has escaped defamation by the old rebels who held office and was a Union man.

Answer. Well, I don't know; our present judge of probate is a Union man and a radical. Our capitalists organized a bank; it is now about going into operation. He is a stockholder, and considered one of the leading directors among our capitalists in the bank.

Question. Do you think his politics affects a man's standing in any way, if his conduct is such as to command respect in other regards?

Answer. I have a brother in the city who has been a radical—editor of a radical paper there for a long time. He was a professor in the university until they made a change last spring. He has been pretty severely assailed by that same paper I spoke of. They turned him out of the university. He took up a school, and his leading patrons, if not all his patrons, except this man Samuel, who I told you was a republican, are democrats.

Question. He is sustained in his school?

Answer. He has the largest private school in the city. He is all over radical; that is, he is firm: his name is H. S. Whitfield. The postmaster in Tuscaloosa, whose family stand very high there, is considered a very excellent officer and a very estimable man—Robert Blair.

Question. A radical?

Answer. Yes, sir; he is a radical. There was an effort made by our Congressman Hays to get him out, to get in some man that he preferred in the office; but there was a little movement in Tuscaloosa that defeated it. He was a good postmaster and stands very high.

Question. Is he an outspoken republican?

Answer. Yes, sir; very decidedly outspoken.

Question. Are there many other instances in your county of republicans who stand high, and hold office, and are not defamed?

Answer. There are Blair, and Miller, and this man Samuel, whoses on was killed out there, who is a republican. He has one of the most popular auction houses, and does almost all of the trade in that business—auction and commission house. He is driving a big business. He was connected with the court, and was mayor of the city. There are a number of very substantial business men there who are northern men, who did not sympathize with the war at all, and are doing well, and are our most substantial business men—Dr. Snow, and Leach, and Foster, and Lynch, and Clark; Clark has died recently.

By the CHAIRMAN:

Question. Are they radicals?

Answer. Well, sir, Dr. Snow is always understood to be a radical. He does not take

any active part in politics. Lynch was understood to be a radical. Clark, I think, was understood to be a democrat. Most of them are men, however, who did not sympathize with the war, and who do not take any part in politics now. I do not think they do. I think most of them have not voted, unless it was in the last election.

By Mr. BLAIR:

Question. These outrages are said by the judge to have for their object the success of the democratic party, to influence the vote of the negroes; has there been any attempt to influence the vote of the negroes by violence?

Answer. Well, sir, I am not aware of anything of that sort with the negroes in my section. I live in a large farming district. On election day my freedmen, and the freedmen surrounding those who worked with me—those on the surrounding farms, rode our mules up to the election, which is some distance. The only difficulty we have is, there is a precinct much nearer than the city, where we want them to vote, because they will not lose time. They generally prefer to go to the city. They generally go in a body, and a pretty large body. I can name a number of plantations around there where the negroes go to the elections, sir, and ride our mules up and back. I do not know any case in the county where there is any attempt to control the negroes in that respect.

Question. Is it barely possible that the judge is a little soured by what he calls the ostracism?

Answer. I reckon he is. At the opening of the war he had always been an anti-slavery man; we always knew that; but he was a man who always cared for nothing but his profession and his church, and was one of our best lawyers. There was no heavy case but Judge Peck had one side. He was a very charitable man; and he was an anti-slavery man all his life. Everybody knew it. He made a fine fortune there, because he did not interfere with anything; he didn't intrude his opinion upon them until the rebellion transpired. The judge came out very actively then. He was an old federalist, the strongest federal man that was in our country; and that would make his politics unpopular. It was a democratic country. He never had anything to do with politics, and he very rarely voted. There the class of public men did not suit his views of politics. He was not a social man; he was too much occupied with his profession; he was a very laborious man, and devoted to his church—the Protestant Episcopal Church—and to his family. Therefore he was esteemed, although his politics and his views of slavery were adverse to the current views up to the war. As soon as the war came on he took a very active part, and about that time he was hung in effigy one night on the streets. The next morning the citizens who had known him long took that thing in hand and investigated it, for the sentiment was against it entirely; and they found it was by a few young, wild boys about the streets, who not long before had hung up a Scotchman, some little time before the war measures came up, who was living with a woman in adultery that had been very highly respectable—these chaps had hung the Scotchman up. The citizens really did not condemn it; they thought the fellow—under the circumstances, they were not sorry—that was about the amount of it—that the Scotchman was hung up in effigy. I suppose the boys thought it was a good thing, since nobody condemned it; and when Judge Peck came into politics, the citizens investigated this matter and found it was by some minor boys on the street. It mortified Judge Peck very much—exceedingly. No occurrence of his life ever affected him so much. A number of the citizens spoke to him, and I think I talked to him myself, about it. I had read law with Judge Peck, and, while we did not agree in measures very much, I had a very great esteem for his character and his integrity. He is and he was an exceedingly charitable man, and a just man; and while I verily believe he believes all that he says, the judge is very much prejudiced, and it dates from that thing. He was told that the boys did this thing—a parcel of street boys; that the citizens were not aware of it, and did not sympathize with that sort of thing. I think he has always thought, however, that behind the boys was an influence that wanted to bring him into disrepute and affect his social standing. Dating from that period, I think, Judge Peck has been bitter. I have been on personal relations with him very kind; and while I don't think Judge Peck would state what he thinks is not true, I think he is a man of this kind: in the practice of law, he never had a client in his life that was not right when he heard his case; his sympathies always go with what he takes up; I never saw him have a client that, whatever his crime, however gross, he did not take up with him; his sympathies were enlisted. He is an ardent-minded man when he is engaged. I think he is an honest, true man, a man of integrity, and would not state anything he did not believe; but those statements there I must say, in all frankness, are exaggerations.

Question. You think he is greatly soured?

Answer. Yes, sir; that hanging him in effigy soured him very much. Then he has been pursued by a newspaper there. He thinks these editorials are exponents of the general sentiment, but he is mistaken. Judge Peck's family have not lost caste at all in social position. I do not know a more popular young lady than his eldest daugh-

ter was; and she married lately a young gentleman of high standing in our place; and the next one, also; she has married lately a young gentleman, one of the very best offers. Judge Peck's family has never suffered, socially. He is soured by one of our papers very much. He was hung in effigy by these boys, and he never could be made to believe that the citizens did not sympathize with it. I think he is very bitter, and I want it distinctly understood I do not believe Judge Peck would make a statement he did not believe. Here is this case now—that letter his daughter wrote him about the twelve negroes or twelve persons killed; that rumor was afloat the very next day afterward, and she wrote upon that rumor. The facts turned out that two negroes were killed and Finley was killed, after a long and tedious investigation. Judge Peck leaves it as though a few under twelve were killed.

Question. You think that is a fair illustration of his disordered temper?

Answer. I know that Judge Peck is now—whatever he hears he believes; he really believes that the opposite party are prepared to do anything, and when he hears a rumor he thinks it is so; that is about my idea of Judge Peck now. Our personal relations have never changed; we meet and are very friendly, and he is a good lawyer and a good churchman, and a charitable man. I believe he is prepared to believe honestly these rumors. He stays at home; he does not get out; he rarely comes into town; he lives out a little piece; he hears these things; he never hears what they result in upon investigation, and they are set down as facts; I think he is very much prejudiced.

Question. He expressed the opinion that the negroes were, to a considerable extent, coerced, and many of them made to vote the democratic ticket by their employers and by intimidation?

Answer. I was speaking to meet that question a while ago. As to my neighborhood, we have a box or precinct near us where the negroes can vote. At certain seasons of the year the loss of time is important. It has been an item to have them vote at the precinct where they would lose but a few hours. They persist, generally, in going to Tuscaloosa. Well, the farm I occupy, and Hurley's farm, and the Prince estate farm, and Gray estate farm, and Lewis farm, and Corbin farm, are all there, and have many freedmen on them. They generally go all together, and they prefer to go to the city They ride our mules; it is a pretty long walk; and you will find on election day from these farms about a regiment of freedmen, on mules, going up to the city to vote. That is the way things go on in my section.

Question. No attempt to coerce?

Answer. Never in my region.

Question. Have you ever heard of such a thing?

Answer. I never have heard of a case of that sort, sir. This last election there seemed to be an idea—well, they had no candidates, though, in that county; I suppose their idea was they perhaps would not go out; I was away from home. There was no opposition to the democratic ticket. I suppose if there had been a republican running they would have gone out. They might have gone out any way.

Question. The judge thinks it will require the military to prevent this interference with the rights of the freedmen there.

Answer. As I told you, they had a military camp there until last spring, for about two years, covering most of this period that I speak of, and they were understood to be ready to promptly suppress anything; they were brought in just after this riot and the killing of Crossland. I suppose that had induced the thing. There were no indictments in the Crossland case, but there were two in the other. The military came in just after. Of the three parties found and indicted, one was killed, the other wounded, and the other escaped. There were more parties engaged in the raid, of course, but they never were able to get at any other names.

Question. The judge expresses the opinion that it is the intelligent men, the men of property, who use inferior men to do these outrages, and thus control the negro vote.

Answer. Well, Judge Peck, so far as my observation is concerned, is entirely mistaken in that view of the case, sir.

Question. He says that the democratic party sympathize with the Ku-Klux, and but for that sympathy that they could be broken up.

Answer. All these matters that have taken place have originated in little settlement organizations. I do not think there has been any pervading organization there of any kind.

Question. Have any of these outrages that have been spoken of, or outbreaks, or violence, originated in political feeling?

Answer. The two raids up in the north part of the county, the Miller and Davies cases, there may have been some politics in that; I only judge. I know the leading man on one side is a democrat, and on the other side is a radical; there may have been some politics in that case; in the Crossland case I cannot say. I tell you what I hear. There may have been politics in that case; but that is not the sentiment of the community. These other cases I mentioned, and that Judge Peck alluded to, have originated as I stated, and I think entirely foreign from politics.

Question. Was an attack made on this democratic editor Randolph?

Answer. Yes, sir.

Question. Who was that made by, and growing out of what?

Answer. They had a professor named Vaughan in the university that this editor pursued constantly; pursued him very bitterly, charging him with drunkenness and whipping his wife—I do not know with what truth—and all that sort of thing; with incompetence, and a great many things. Well, Professor Vaughan, it is understood, procured this young Smith, who was certainly a very daring man, a young student. The editor had also assailed the governor. This Smith was a nephew of Governor Smith, and young Smith's father was one of the regents of the university. He had assailed him too. Vaughan, as was supposed, did not have nerve, but enlisted Smith, who had, and they came on the street armed one morning, Vaughan and Smith, and Vaughan stood at a respectful distance. Smith walked down the street. He saw Randolph on the other side, at the corner, and walked over. Randolph was talking to a man, and Smith ran against him with his elbow as he passed, and like to have shoved him over; he jumped, and both drew their pistols at the same time.

Question. It was a deliberate act?

Answer. Yes, sir; as he struck him and turned him around, he jumped a little aside and then wheeled, and he and Randolph both fired about the same time. Randolph did not see him as he was approaching; he had his face up-street. They both discharged five shots. Smith's first shot would have killed Randolph, as it struck him here in the side, but he had a thick pocket-book that checked the ball, and it went through that and stopped on the skin; and he then shot. The last shot, I believe, struck him just above the knee and ranged up the thigh. He had his leg up. He came very near dying from that. They cut off the limb. Smith was not hit himself. He was arrested and put in jail. He and Vaughan were both put in jail, and Smith was turned out, by some means, one night, and made his escape. That is the last we knew of Smith. Vaughan went, I think, to Washington, and was sent out to Utah in some office there; I don't remember now; I think it was to Utah. These are the facts, as I heard them; I never saw the difficulty at all.

Question. The judge states that no northern man, who was a republican, could succeed in business in that country; that there is a great prejudice, and that it affects the private relations and business of men.

Answer. Well, I made some statements that seemed to meet that particular point. C. M. Foster, one of our wealthiest merchants, is a shoe-dealer, a large steam-tanner, and does a very heavy business; is one of the wealthiest men in the city; has considerable valuable land out of the city, and is one of the most prosperous men in the city. He is a New Jersey man. C. S. Leach, or C. J. Leach, is a New York man. He manufactures all our plows and machinery; he stands very high in the community, and has charge of the only large manufactory of that kind we have in the iron business and plow manufacture. I think he is very prosperous—doing a fine business. He is a New York man. Augustin Lynch died recently. He was a cabinet man from Philadelphia. He did the best business in the furniture department of any man we have ever had in Tuscaloosa. He left his wife and son in the same business. They are doing a very heavy, prosperous business, it is understood. Dr. Snow does not attend actively to business himself, but his son does; a young man who is doing a very fine business. Doctor Snow is a Boston man. He puts in the capital and is about the store a good deal, but his son is the active party with his clerks. They are prosperous, it is understood; have fine credit North and at home.

By the CHAIRMAN:

Question. Are they druggists?

Answer. No, sir; they deal in hardware and staple goods—that is, heavy domestics. Snow, brother of Dr. Snow, the old gentleman, died some years since, since the surrender; he is put in business by a New York capitalist; they have set him up; and he has the most popular fancy-goods store in the place. I don't remember the New York gentleman; he is a man of capital; he was very well acquainted with the old man, and has put the son up in business.

By Mr. BLAIR:

Question. Do you think such considerations affect that community any more than elsewhere?

Answer. No, sir: these cases show the men that do the business with us. They are full exponents of the whole matter; they are the most prosperous men we have; the best business men we have. Ball, of the big manufacturing company above here, is a northern man.

Question. You think, then, the testimony of the judge is greatly tinctured?

Answer. Yes, sir; these are the most prosperous business men in Tuscaloosa, from the places I tell you, and I can go on and add to the list. I have not near got through.

Question. I just wanted your opinion.

Answer. Lynch, and Foster, and the Snows move in the very best circle of society in Tuscaloosa. There is no grade of society above them socially. One of the Leaches married Judge Peck's daughter. Judge Peck has a son in the university there—a professor.

Question. You think the violence of this newspaper charge and the hanging in effigy has greatly imbittered Judge Peck?

Answer. These two things, I know, weigh upon him very much.

Question. The violence of this democratic editor is no indication of the sentiment of the people?

Answer. Not at all; because I hold Judge Peck in very different estimation from a great many things that is said of him. I think Judge Peck is biased and listens to rumors, and he has, I think, exaggerated. I know he has exaggerated very much there.

Question. You think his judgment is warped by his strong feeling and imaginary slights?

Answer. Yes, sir.

Question. Or, perhaps, real slights?

Answer. Judge Peck doubtless has, I think, met, in mingling with some of the old supreme court lawyers, with some slights; I have heard of it, and that, doubtless, may have influenced him some. He has been in the habit of meeting lawyers from all over the State. After he had taken a position in politics I have understood he made some complaints about the old lawyers there; that they were not so free with him as they had been. Well, he might look upon that also; but Judge Peck's family, his daughters, in Tuscaloosa, move in the very best society and visit generally—Mrs. Martin and Mrs. Leach—he has no other grown daughter; they and Mrs. Peck herself occupy as high positions as any other people in Tuscaloosa. Judge Peck himself never was a social man, never went to dinners or gave dinners himself; he was always too busy in his profession.

Question. A recluse in his habits?

Answer. Yes, sir, become particularly so—recluse.

By the CHAIRMAN:

Question. Are you a native of the South?

Answer. Yes, sir.

Question. Of what State?

Answer. Of the State of Georgia.

Question. Did you take any part in the late war?

Answer. I fought secession to the last hour.

Question. I mean after the war commenced.

Answer. I want to give you a little sketch of how that was. I voted in the legislature of Alabama against the resolutions that called the seceding convention. After the war commenced I was offered a colonelcy of regiment and declined to take it, and moved to my farm, and was never in the war. I took this part in the war: I gave a great deal to the soldiers; I made a great deal of grain and gave it to soldiers' wives; that was perhaps the only contribution I ever made directly to the war.

Question. Did you hold any office before the war so that you would be affected by the fourteenth amendment?

Answer. I was in the legislature, sir, that voted on the resolutions that called the convention—the seceding convention. There were two of us that voted against those resolutions out of the whole body. Judge Peck and myself voted side and side in all that thing up to the war, and then he retired to his house, and I to my farm.

Question. Have you been operating with the democratic or conservative party since the close of the war.

Answer. Well, sir, I have voted only twice since the close of the war. In one of these elections there was but one side; in the last election both tickets were represented for governor. I voted for the democrat for governor.

Question. Have you been regarded as identified with the conservative party since the war?

Answer. I suppose they put me down so.

Question. Have you taken an active part?

Answer. No, sir; I stay out of town.

Question. Are you in the habit of attending the political meetings of your party?

Answer. I have attended but one political meeting that transpired in our town. I was then made chairman of that meeting, however.

Question. To take up the matters in the order in which you have been examined, I will ask you one or two questions in regard to Mr. Crossland. Was he a white man?

Answer. Yes, sir.

Question. A member-elect of the legislature of Alabama?

Answer. Yes, sir.

Question. And on his way to take his seat there?

The WITNESS. At the time he was shot?

The CHAIRMAN. Yes, sir.

Question. Did you never hear that fact?

Answer. I believe he was; I think the member from Pickens and he were on their way together. I did not think of that fact.

Question. Was that member also shot?

Answer. No, sir. I think there was but one discharge, and that killed Crossland and wounded this other party. That was not the member from Pickens County. I think the man who was wounded lived in Pickens County.

Question. Did you hear that the member from Pickens County was likewise attacked?

Answer. No, sir; they were in company.

Question. You say there is one theory afloat that he was killed on political grounds?

Answer. Yes, sir; Judge Peck and a number of others there, I suppose, will say that. I have heard a number of them say so.

Question. It must have been known by the assassin obviously that he was on his way to Montgomery from the point at which he was attacked?

Answer. I suppose so; I reckon so; I do not know. At all events, he was on the road there waylaying him at the time and shot him. It would seem he knew he was going to pass there at the time.

Question. Is not the fact that he was not only on his way to the legislature, but was in company with two other men, adverse to the theory that his assassination was the result of some private quarrel or grievance?

Answer. Well, I suppose in some aspects of the case it might be considered so; in others, I do not know that it would. I do not know just what influence that point of view would have; what view we ought most strictly to take about it. If it were by private parties who had determined to kill him, I suppose they determined to do it wherever and whenever they could do it without being detected.

Question. Was he a planter?

Answer. Yes, sir, a farmer.

Question. Did he live in the country?

Answer. Yes, sir.

Question. If it were McGee or this other man——

Answer. Cooper; those are men with whom he litigated.

Question. If they instigated the assassination, would it not be more reasonable to suppose he would have been assassinated about home, and after night, rather than in open day when he was in company with two other persons?

Answer. I do not know, sir. I suppose that the party who had determined to kill him would determine upon his own security as to time and place, and would select the night or day, according to what would secure him. Of course, his first purpose would be to secure himself. This swamp where he sat, or thicket of ivy-growth, which prevails in that country, was a place where he was not likely to be detected. I suppose the first object of the party would be to get where he was safe.

Question. Did you understand that there was but one shot fired?

Answer. That is my recollection; that the first shot struck Crossland, and the same shot struck the young man just beyond.

Question. Did you understand it was a gun or pistol that was fired?

Answer. It was a shot-gun, they supposed. As I remarked, the breech of the gun, to all appearance, had made its track in the sand, sitting by the tree.

By Mr. BLAIR:

Question. Was it loaded with buckshot?

Answer. Yes, sir; they were buckshot by which he was killed.

By the CHAIRMAN:

Question. Was Mr. Crossland a man of violence? You say some had believed for years he would be killed.

Answer. I think he was rather a litigious than a violent man. I never knew of his having fights. The courts opened up something to me of the litigious difficulties out there.

Question. What time did this difficulty occur?

Answer. It was in the forenoon, not long after the breakfast hour, I think.

Question. I mean the year and month?

Answer. I think it was in 1867, sir.

Question. How far was he killed from his own house?

Answer. I do not know how far he lived from where he was killed. I suppose, from my general idea, it was some four or five miles, or six.

Question. Did McGee and the other gentlemen whom you have named live near Mr. Crossland?

Answer. Yes, sir; they lived in that neighborhood.

Question. He had never taken his seat in the legislature, as I understand you?

Answer. Yes, sir, he had served one session and returned home, and this was another

session. I think that is the fact. They were going over to the legislature; and this was the second session of the legislature; perhaps it was a recess.

Question. Had his course in the legislature given offense to anybody?

Answer. No; he was a quiet man; he did not pretend to speak; he would simply vote upon a question.

Question. Had his course or his vote in the legislature been denounced in your democratic paper?

Answer. Not singled out that I know of. The democratic papers, I suppose, say of Crossland like they say of others. I do not remember that he was singled out.

Question. You spoke of that paper being very severe upon Judge Peck in its strictures. Was Mr. Crossland also the subject of its strictures?

Answer. I am not aware that he was. I don't think he was. I don't remember it if he was.

By Mr. BLAIR:

Question. There was a negro man here testified yesterday, named Gleed, that an article appeared in the "Tuscaloosa Monitor," which was afterward copied into a Greene County paper, which called upon the white people to kill all the negro leaders, and to spare none but the humble and obedient negroes.

The WITNESS. Did he produce the article?

Mr. BLAIR. No, sir; he did not. He testified that such an article appeared, and that he had carried it about with him until he wore it out.

The WITNESS. What other paper was it copied into?

Mr. BLAIR. Into the Greene County democratic paper, which I suppose to be the "Whig."

Answer. Well, sir, I think I may say with great confidence that no such article ever appeared; it never appeared in a Tuscaloosa paper.

Question. Would not such an article have attracted universal attention?

Answer. Yes, sir; I may say I think with certainty that he is mistaken. I can say, Senator Pratt, that I presume Mr. Crossland was named by this paper; he no doubt named all the officials—Miller, the probate judge; and Crossland, the representative the senator—and all their names would figure in that paper.

By the CHAIRMAN:

Question. How figure?

Answer. He assailed them as radicals and as enemies to the country. That is the idea you will find in the "Monitor."

Question. Was Crossland a southern man or a northern man?

Answer. I think he was a Tennesseean.

Question. He would have been assailed then, I suppose, as a scalawag?

Answer. I suppose so, if he had singled him out.

Question. Would he, coming from Tennessee, be regarded as in the category of carpet-baggers?

Answer. No; he would be assailed as a scalawag, if Crossland was ever singled out.

Question. Was that paper very bitter in its denunciation of carpet-baggers and scalawags?

Answer. Yes, sir; pretty bitter; it handled them pretty roughly.

Question. Now that I have mentioned that paper, what was its course toward Judge Peck? What accusations did it bring against him? Why was he the subject of its spleen?

Answer. Judge Peck, I suppose, was singled out because of his having more talent and influence to carry scalawag influence.

Question. Was he a candidate for an office?

Answer. He ran for the convention, and was a member of the convention, that reformed or re-organized our State government. It was about then that he was opened upon.

Question. Was his private character attacked?

Answer. I think not, sir; I don't think Judge Peck's private character has ever been attacked; simply his political sentiments.

Question. Yet he had come to the South in early youth, had he not?

Answer. He was a grown practicing lawyer when he came to the South. He opened a law-office when he came here.

Question. Had been here a long time; thirty odd years?

Answer. Yes, sir; over forty years.

Question. I think he said forty-eight years?

Answer. He had been in Tuscaloosa upward of thirty years.

Question. He had married South?

Answer. Yes, sir. She was a northern lady, but they married South.

Question. Were these denunciations of Judge Peck in the paper discountenanced by the democratic party?

Answer. Not as a party, but by his old friends and acquaintances in their social relations. I do not know that they ever held a meeting or organized to denounce it, but Judge Peck's old friends there always met him on friendly terms.

Question. You do not know of any democrat discontinuing the paper because Judge Peck was vilified, do you?

Answer. I don't know. I presume if it had been done I should have heard or seen something in the columns about it. I think the paper would have limbed him.

Question. You have enumerated several white persons who were assassinated or murdered. You have not given, however, an enumeration of colored men who from time to time were killed; can you give the list? I make this inquiry because the enumeration of Judge Peck included both races.

Answer. I mentioned the two negroes that were killed in the raid. There was a negro killed in Northport; I don't know his name; I cannot give negroes' names; I know one was killed over there.

Question. By men in disguise?

Answer. I think there was one negro killed in open day by a party that fled there. There was another negro shot at at night. He escaped, though, from his cabin. A second negro was wounded. I do not know whether he died or not, but it was understood to be a very bad wound. The negro shot at had that day on the streets had a fight and stabbed a white man in a difficulty. They had a regular fight on the street, and that night he was assaulted, I suppose, by parties in disguise, and the negro shot at, and another one wounded. It missed effect upon him and hit another. The negro that was in the riot and killed Finley ran off to the county below and was killed. Young Samuel killed the negro that I have mentioned, or at least the party with him did. There was a negro killed on what was called the Foster Ferry road by a traveler. The traveler's account was that the negro was drunk and assaulted him. The negro was killed, and the traveler went on, I don't know where to. I do not remember the negro's name. There was a negro not far from my section of the country that was whipped by three men in disguise, hurt pretty badly, and ordered from the premises. He said he did not know the men. They had no disguises. He, however, got well and prosecuted them, and two of them, I believe, proved an *alibi*, and the third one's case is now pending in court. Perhaps I could mention a case, not of killing: the owner of the ferry on Warrior River had a negro that kept the ferry, with a cabin back of it. It was understood in the neighborhood the negro was the ferryman, and this man behind him furnished the means for a clandestine trade in cotton and corn. The evidence was strong that the trade was a pretty brisk one to the white man; he was getting a good deal through that channel. There was a party went there one night and made the negro move what he had in the house, his clothes, &c., and they burned down the house with a large amount of cotton and corn in it. They did not hurt the negro, but made him move his own goods out.

Question. Were they disguised?

Answer. Yes, sir; I believe they were disguised. I believe the negro so reported. They did not hurt him. They simply ordered him to move his duds out. They burned up the cotton. The negro said he showed them a list of his purchases, and who he was trading with, and told them who he was trading for; that he was a mere agent, trading for a man behind him.

Question. You say he was not whipped?

Answer. No, sir.

Question. What influences were brought to bear to make him make these disclosures?

Answer. He disclosed them the next day to the negroes there.

Question. The disclosures were not made to these men?

Answer. No, sir; we never knew who they were. The negro himself told the next day in the village that there came, he said, two or three. I am pretty sure he said they were disguised, and they asked him for whom he was trafficking and what. He told them for this white man.

Question. Only two or three visited him?

Answer. Yes, sir; that was the report. They told him to clear out his clothing and trumpery, and they burned up the house.

Question. Was that a late occurrence?

Answer. It was year before last.

Question. Does any other case occur to you?

Answer. A year or two since a party came to freedmen that lived up above me in the hills and made them clear out their furniture and burned their cabins. These negroes came down to my plantation, and they are living in my cabins.

Question. How large a party did they say there was?

Answer. They said eight or ten.

Question. Disguised?

Answer. Yes, sir; I am not sure but that was in Hale County. It is just back of me.

It came to my knowledge. They charged them with stealing a Mr. Rogers's corn and Mr. Fifer's cotton.

Question. Were the negroes whipped?

Answer. No, sir; four of them came to my house next day, and I furnished them cabins, and two of them are living there now. One of them said they struck him on his head, I think, with a pistol. They were ordering them to get out their things, and he did not move fast enough to suit him, and he struck him. He did not cut the skin, but struck him a blow. I do not remember any other matters. I don't know how many negroes I have testified to there that were killed.

Question. I would like you to separate, if you can, from private assassinations, the case of outrage committed by bands of men—one or more, so as to have them distinct and separate—to know how many occurrences of that kind there have been.

Answer. Well, the Miller case; there was a band of men there, as I have stated.

Question. Miller was murdered?

Answer. Yes, sir. In the raid about the negroes, where they killed the two negroes, there was a band of men. There were said by the negro who saw the troop, where young Samuel was killed, to be eight or ten. When Simpson was killed there was a number of the negroes about the place. I think Simpson's wife got a glance at them; there were six or eight men there. I cannot recollect whether in any other killing it was by a band or not, now.

Question. You may go on and specify the whippings inflicted by two or more men.

Answer. I have mentioned one case where three men whipped a negro who had indicted them; that was near me; just in the other county. There was a negro whipped by three or four men near me, in Hale County—Handy Hardwick. I do not remember any other case of whipping, simply.

Question. Those were all instances where the outrage was inflicted by men in disguise?

Answer. Yes, sir; those cases, I think, were by men in disguise. The four cases—of Miller, the raid on the two negroes, young Samuel and Simpson, the case of whipping by three men, who are now indicted, and the case of Handy Hardwick.

Question. Yes, sir; you mean that those are the only cases where you have any information on the point as to the men being disguised?

Answer. Yes, sir. Those other killing cases I have mentioned were personal matters, in open daylight. Well, Simpson's was in open daylight. The parties that killed Simpson were not in disguise. I ought to make that correction. I think his wife's account was that they were not disguised. She got a sight of the men, and that is my recollection. I suppose that is the case Judge Peck refers to, where a man was going along the road with his wife and was killed.

By Mr. BLAIR:

Question. A white man?

Answer. Yes, sir.

Question. Do you remember his politics?

Answer. They were all democrats—these parties indicted; they have never convicted them; and Simpson was a democrat.

By the CHAIRMAN:

Question. Did you ever yourself see any of these disguised men?

Answer. Yes, sir; I saw one night coming from out below me in Hale County—I am not very far from the line below me—I saw a party of disguised men on horseback.

Question. When was that?

Answer. That was about two years ago.

Question. You may describe the circumstances under which you saw them, and what they were doing, and how large a number.

Answer. There were six or eight of them; they were traveling down the road; they were on the public road.

Question. Did you meet them?

Answer. Yes, sir. Well, I passed them in the road.

Question. Did they halt?

Answer. No, sir.

Question. No communication passed between you?

Answer. They were talking to each other; they did not seem to pay any attention to me. The truth is, my horse was a little frightened; they had something covering their horses that frightened my horse, and he sheered out of the road.

Question. Did they address any remark to you?

Answer. I do not think they spoke to me. There was some remark about my horse: "Hold on," or "Be careful;" something about my horse sheering out; that I might be thrown.

Question. How far were you from home?

Answer. I suppose it was five or six miles from my plantation.

Question. You did not, of course, recognize any one?

Answer. No, sir.
Question. Did you hear of any mischief inflicted that night?
Answer. No, sir.
Question. You don't know on what errand they were?
Answer. No, sir; I never heard. Well, there were other parties—I heard of the party—I heard of others who saw them; but I do not think they did anything that night. I never heard that they did.
Question. Did you hear that they united with any other party?
Answer. No, sir.
Question. Did you hear of any visit they made that night to any house?
Answer. No, sir. It is about six miles off, and out of my neigborhood, and between there and my neighborhood there is not much communication. The next day in the village, near where I lived, I heard of other parties who saw them.
Question. Were they armed?
Answer. No arms were exposed.
Question. Their horses were disguised?
Answer. Yes, sir; there was a little sheet over them, about like a blanketed horse.
Question. You had heard of disguised men riding through the country at night before that?
Answer. I had heard a great deal of Ku-Klux and bands of that kind; but in my section of the country there had been nothing of the sort.
Question. Had you heard of any Ku-Klux parties in Tuscaloosa County before that night?
Answer. None other than I have given here.
Question. Had those all occurred before that night that you have given?
Answer. No, sir; the most of them had occurred—the raid had occurred; the Crossland difficulty had occurred; the Miller difficulty had occurred. They were at an earlier day. Maybe Simpson was killed before that. I am sure he was.
Question. Is that the only time you ever saw men in disguise?
Answer. Yes, sir.
Question. Did you ever see them afterward?
Answer. No, sir.
Question. Did you hear of them afterward parading through the country?
Answer. No, sir.
Question. Or out on expeditions?
Answer. No, sir; it was after that—after I had seen these men down in Hale County—that those negroes, now living with me, moved out of their cabins. Two cabins were burned up; they were up above there about the Hale County line.
Question. You heard of similar Ku-Klux outrages in Hale County?
Answer. In Hale I heard much about the Blackford difficulties—the probate judge.
Question. Was that the only difficulty you heard of in Hale County?
Answer. Last spring, not a great way below me, a man's house was assailed one night—I cannot give his name—but he fired in the crowd and there was a negro dead there next morning in disguise. I heard of that case.
Question. You say the negro was in disguise?
Answer. Yes, sir.
Question. In Hale County?
Answer. Yes, sir. The Blackford difficulty or matter is connected with a good many cases. They went Ku-Kluxing there once, I understood, for Blackford. I do not know much about that affair. He was run off, or resigned and went off.

By Mr. BLAIR:

Question. We have heard all about it.
Answer. I do not know a great deal about it, but I understood the Ku-Klux went in there after him.

By the CHAIRMAN:

Question. You have now stated all the cases of Ku-Kluxing you have heard of in Hale County?
Answer. Yes, sir. I do not pretend to give the particulars of Blackford's case. I heard of the Ku-Klux going in there once or twice.
Question. But you have heard of no other persons being the objects of their vengeance in Hale County except Blackford?
Answer. I mentioned those negroes that lived with me, who were burned out. I know of no other cases than those I have mentioned.
Question. Your county, Tuscaloosa, corners on Greene?
Answer. Yes, sir; the river divides us.
Question. Ever heard of Ku-Klux disturbances in Greene County?
Answer. I have heard of a good deal of disturbance there. There was a political meeting disturbed, and pistol-shooting, in which Hays and others figured.

Question. You refer to the disturbance at Eutaw?

Answer. Yes, sir.

Question. Leaving that out of the question, and also the murder of Boyd, have you heard of any other disturbance in Greene County by Ku-Klux?

Answer. I do not remember any.

Question. Have you heard of the riding of disguised men at night in the county of Greene?

Answer. No, sir.

Question. You are joined on the west by Pickens County?

Answer. Yes, sir.

Question. Have you heard of Ku-Klux outrages in that county?

Answer. No, sir; I don't know anything about that.

Question. Have you never heard of any Ku-Klux outrages in Pickens?

Answer. I do not remember any.

Question. Never heard of the riding at night by disguised men through the county?

Answer. No, sir; I do not remember any Ku-Kluxing in Pickens that I ever heard of. I was going to tell you of a case in Bibb County, which is on the east of me.

Question. Very well.

Answer. There was a case occurred there—a party shot and wounded—which I understood was at night.

Question. By disguised men?

Answer. I do not think much that it was. The parties all knew each other. They are all now in court on both sides. I do not think there was any disguise, because every party was identified. They were shooting both ways.

Question. Fayette County joins Tuscaloosa, I believe, on the northwest?

Answer. Yes, sir.

Question. Have you heard of any Ku-Klux outrages in that county?

Answer. I have heard about Fayetteville there. I recollect when the court was in session, some time ago, it was said the Ku-Klux rode through the town. That was published in our papers. I only know what is published in the papers from those points.

Question. Did you never hear of any murders and whipping by disguised men in those counties?

Answer. I heard of some murders there. A man named Trawick was shot up there by some one from the wayside, as he traveled along the road. I knew Trawick personally. And an old gentleman, like the Wilson case I mentioned, said to be quite a wealthy man, having a treasure about his house—this house was assailed, and he was killed for robbery. I forget his name. I do not remember any other cases that occurred in Fayette County.

Question. Have you heard of no cases of whipping in Fayette?

Answer. No, sir; I never heard of any.

Question. How is it with Walker County on the north of you? You are joined, I believe, on the north by Walker County?

Answer. There was a killing there. A gentleman rode between two; one young man rode to another's house in the neighborhood of the county seat, and shot him in open daylight—killed him.

Question. I speak particularly of outrages at night; have you heard of any cases of that kind?

Answer. No, sir.

Question. How is it with Jefferson, east of you?

Answer. I never heard of any in Jefferson, sir.

Question. Or in Shelby?

Answer. I don't remember of any in Shelby that I have heard of.

Question. You have made no memorandum nor loaded your memory with these crimes when committed, and you may have forgotten many cases that have occurred?

Answer. Yes, sir; if I had time I might recall a case or two that have occurred; but I have gone over all, I think. If I had time I might enlarge this list.

Question. Did you know before coming here upon what points you were to be examined?

Answer. No, sir; I did not know that I would ever come here until I got to Meridian. I did not know where this committee was meeting. I was going to Mobile. A gentleman told me there he had handed my name to the committee, and at the Ragsdale I attempted to find out about it. I met General Blair and told him I was on the way to Mobile, and my name had been handed in, and if I were to come before the committee at all I wanted to go from the Mobile road to Aberdeen, and did not want to go home and be summoned before the committee. I went on to Aberdeen and brought my niece down. I had gone after her, and came down and landed her with her relations, and came here this morning.

Question. Did you understand you were to be called specially to contradict Judge Peck?

Answer. The gentleman who spoke to me—I think his name was Cobb——

Question. A lawyer in Livingston?

Answer. No, sir; I think he is a brother of the lawyer—a farmer, I think—a distant acquaintance of mine. He told me he had handed my name in. He told me there had been some testimony from Tuscaloosa; that JudgePeck and Judge Mudd, and some others from that section, had been before the committee, and he had handed in my name. Sunday morning I went to meet General Blair, and told him I understood my name was in, and I was going to Mobile and thence to Aberdeen, and I did not want to go on home and then be summoned back to the committee. I knew from Cobb that Judge Peck had been before the committee, and afterward I asked General Blair about it; and I learned from General Blair that Judge Peck had made a pretty strong case against us. Cobb, I think, lives in the country. The man I speak of is a brother of the lawyer you spoke of.

Question. How many white republicans have you in Tuscaloosa County that vote the republican ticket?

Answer. I don't know. The vote would not indicate what proportion were white or colored people voting republican. There is no data by which I could arrive at that.

Question. I did not know but you were sufficiently acquainted with the condition of parties in the county?

Answer. Off in that section north of Tuscaloosa, in the mountains, east of where the Miller and Davis parties are, there are a good many republicans.

Question. How many men of northern birth, living in Tuscaloosa, have you who vote the republican ticket?

Answer. Well, I don't know. I could name a number, but I could not tell you all.

Question. Are there any outside of the office-holders?

Answer. Yes, sir; there are a good many outside of the office-holders.

Question. From the North?

Answer. Yes, sir.

Question. Who vote the republican ticket?

Answer. Yes, sir.

Question. How many do you think who hold no office or have not in the past held office?

Answer. Really, I do not know. I could make out a pretty full list if I had time.

Question. Do you think there are a dozen?

Answer. O, yes, there are more than that.

Question. You say your brother votes the republican ticket?

Answer. Yes, sir.

Question. Has he ever held office under the State or General Government since reconstruction?

Answer. No, sir; no political office; no Government office.

Question. If the employers of negroes sought to control their votes you would not be likely to know the fact?

Answer. Out of my neighborhood I would not be likely to know it.

Question. Even in your neighborhood you could not know unless you were present at the time and were a witness to the influence?

Answer. No. I judge of my neighborhood by the circumstance that the negroes generally go in a body and ride the mules of the proprietors.

Question. Do you know that all the negroes in your neighborhood vote the republican ticket?

Answer. Yes, sir; I do not think there is a negro—well, there is an old negro on my place don't vote at all. If he voted at all I suppose he would vote the democratic ticket. He is an old man and don't go to the elections.

Question. Is that the only exception?

Answer. That is the only one I know of. He did vote the republican ticket early after the war.

Question. Are there any colored men who vote the democratic ticket in Tuscaloosa County?

Answer. Yes, sir; about the city I have understood there are.

Question. How considerable a number?

Answer. Since the election in which the democrats prevailed in the county, I have understood that a number of negroes would. I heard it stated in Tuscaloosa the other day that Donahue, one of the candidates there, would get a hundred colored votes in Tuscaloosa City.

Question. He is a democratic candidate for what?

Answer. For assessor. He lives in the city. We were canvassing the prospect, and one gentleman said he was satisfied one hundred, or perhaps one hundred and ten, would vote for Donahue.

Question. At what election did the democrats first succeed?

Answer. About three years ago.

Question. Have they held the supremacy ever since?

Answer. Yes, sir.

Question. And the negro vote is on the increase?

Answer. Yes, sir.

Question. In that election, you say, the registered vote was in favor of the white men?

Answer. The whites preponderated on the register, but not many votes. In that vote the line was sharply marked. I think every negro in the county voted the republican ticket in that vote. I never heard of one otherwise. The democrats carried the county, and since then I know at Tuscaloosa Donahue got the vote I spoke of, and a great many, of course, changed.

Question. Did they vote the entire democratic ticket, or simply for him?

Answer. We had no legislator, just the sheriff and tax assessor, &c. The sheriff, I understood, would get as many votes as Donahue.

Question. The presumption is that they voted the entire democratic ticket?

Answer. Yes, sir, I presume so.

Question. This influence was in Tuscaloosa?

Answer. Yes, sir; it was at that box. I do not know whether they lived in the city.

Question. You do not know what influences were brought to bear among those negroes?

Answer. Not at all. I only know in my neighborhood the negroes go to the poll on the proprietors' mules, and when it is a busy time we want them to vote near home so as to lose no time, but they will go to town, and we let them have our mules. I suppose there is no intimidation in that neighborhood. I don't know about other neighborhoods.

By Mr. BLAIR:

Question. You can speak from information.

Answer. From information I have never heard of anything of the kind in the other neighborhoods.

By the CHAIRMAN:

Question. Do you suppose the negroes would be likely to come to you with their complaints if that species of coercion had been practiced, you being identified with the democratic party and in sympathy with it; if this species of duress had been brought to bear upon them, would they go to you with their grievances?

Answer. I do not suppose they would; but if the negroes that lived with me had been interfered with in voting I am sure I should have heard of it; and they, every one, except this old negro, voted; he did not vote at all.

Question. Your attention was called to an observation of Judge Peck in his testimony, that, in his opinion, the democratic party sympathized with the Ku-Klux organization. Did you controvert that? Did I understand you to controvert that statement of Judge Peck?

Answer. I intended to controvert it.

Question. In what terms?

Answer. I do not remember just what I said about that.

Question. I ask you, then, this question: You are satisfied, I suppose, of the existence, from time to time in your county, of bodies of disguised men that are popularly called Ku-Klux?

Answer. Not of an organized body. I am satisfied of this, that occasionally there occurs something here, and men in the neighborhood around do get up and do what I have told you. I do not think there is any regularly organized body. I am not aware of it further if there is, that communicate with each other in reference to their organization.

Question. Do you believe that these men belong to one political organization, or that they come indiscriminately from both political organizations?

Answer. I think young Samuel was a radical, for instance, who went out and was killed.

Question. You say his father was?

Answer. His father was, and he lived with his father.

Question. What information have you that he was a radical?

Answer. I have heard that he was a radical, and ought to know, because I know a great deal of him. I have heard that he was with his father since this thing was spoken of, but I never heard of any one who could point to a vote of his, for he has not been voting but a little while. He lived with his father in the store, and the impression was he was a radical; I know his father is a radical. The case of Miller I have mentioned that was killed. Young Miller, I presume, was a radical because his father was a radical and he lived with him.

Question. You have no other reason for inferring that either young Samuel or young Miller were radicals, except the fact that their fathers voted the republican ticket?

Answer. I have no other in the Miller case; but in the Samuel case I have heard others say that he was a radical.

Question. Do you know that these two young men belonged to a Ku-Klux organization?

Answer. No, sir.

Question. Do you know that any republican belongs or ever did belong to any Ku-Klux organization?

Answer. No, sir.

Question. Did you ever hear of a republican belonging to that organization?

Answer. I do not recollect of hearing it, sir.

Question. Have you not often heard that that organization was formed exclusively within the democratic party?

Answer. I do not remember to have heard that, sir. The organization, or the Ku-Klux, prevailed where the country has but very few others than democrats, and I presume, of course, to get up those bodies they would be democrats.

Question. What is your information as to the objects of the order known as the Ku-Klux Klan?

Answer. I don't know, sir, what it is, if there be such a Klan; if they have an organized written law, or anything of the kind, I have never seen it or heard of it; what their purpose is I don't know, nor anything about it.

Question. Did you never hear the oath, the obligation which members of that order take?

Answer. No, sir.

Question. Never read of it in the newspapers or elsewhere?

Answer. No, sir; I am sure I never saw it.

Question. Did you ever converse with any man who admitted he was a member of that order?

Answer. No, sir.

Question. Did you ever converse with a man you had reason to believe was a member of that organization?

Answer. No, sir.

Question. You believe that the organization, wherever it has had an existence, was a political organization, and one of its objects was to promote the success of the democratic party and defeat the republicans?

Answer. I think in some sections, from what I have seen in the papers, that that organization was, perhaps, political; in my section of the State I don't think it was; I don't think in my section of the State there is an organization; I think that these cases I speak of grow out of some neighborhood matter, and surrounding parties gather up and do what is done, without reference to an organization at all. The indications are that in some sections there is an organization that is political; but I do not know.

Question. What sections?

Answer. I refer to those cases that occurred, for instance, in North Carolina, and South Carolina, and in Louisiana; there are cases that the papers report; they do not report any such cases in Alabama, at least I have never seen them; if there was a Ku-Klux organization here or intended to be so to affect politics.

Question. Your conviction has been strengthened that there was such an organization in North Carolina and South Carolina, I suppose, since the exposures by the committees of investigation and by the investigations in Judge Bond's court?

Answer. Well, yes, it has. What I have seen in the papers published in the last year or so, or a few months, within the last year I might say, seemed to indicate that there were organizations in those States.

Question. Is it not your information that the organization in North Carolina and South Carolina dress just like these bands in Alabama who appear from time to time—disguised like them?

Answer. I do not know anything about that. I do not remember to have noticed anything of that, sir. The question of the disguise of this organization I do not remember to have ever noticed at all.

Question. You never noticed what the character of the disguise was?

Answer. No, sir.

Question. You can only speak authoritatively, then, on the subject of disguise on what you have seen yourself?

Answer. I saw one party, the Hale County party, as I told you—six or eight men in disguise.

Question. Do you recollect whether their heads were ornamented with horns?

Answer. No, sir; they had on the ordinary hat, sir; they all had hats, but nothing of that sort.

Question. Were their bodies enveloped with robes?

Answer. Yes; it was a sort of hunting-jacket, or loose jacket, that hung over them.

Question. Reaching down pretty low?

Answer. It reached down to the feet, I think.

Question. Any masks on their faces?

Answer. I did not see any masks.

Question. Did you see their natural faces?

Answer. I could not at night. I do not know whether their faces were painted, or whether they were changed or not. It was some time after night. I had been down to a tan-yard in Hale.

Question. Do you think there were masks on their faces?

Answer. I presume there were.

Question. Why?

Answer. I do not suppose they would disguise their horses with these sheets and their bodies with these robes, without disguising their features.

Question. If they wore hats, could not you say whether their faces were disguised or not?

Answer. No, sir; I saw they wore hats; I am pretty sure they wore hats. My horse dodged out of the way, and I saw those robes; to all appearances they were wearing the ordinary hats.

Question. Did you scrutinize their appearance closely?

Answer. I was more occupied with my horse; he had run in the bushes a little.

Question. Were you alarmed at the appearance of these men?

Answer. Not at all; I did not suppose they would hurt me.

Question. You knew at once they were Ku-Klux?

Answer. I supposed they were; they were disguised men, and I supposed they were what they called Ku-Klux.

Question. You had heard of such disguised bodies of men in your county before that?

Answer. This was in Hale County. About that time, I reckon, I had heard of these raids in the Greensborough or Blackford difficulties.

Question. If these men are oath-bound, and have sworn to protect each other, and have been engaged in violations of law, there is a very strong presumption that if any member should find his way upon a grand jury he would not take special pains to convict himself or his comrades, sir?

Answer. I suppose not; if he was sworn not to do it, of course.

Question. Then if they or their friends or sympathizers found their way on the grand juries of the county, it is not probable that bills of indictment would be found against members of that organization for any outrages committed by it?

Answer. A man who would bind himself by such an oath would adhere to it wherever he would go, sir.

Question. That would prevent the courts, as a general thing, would it not, from investigation and punishment of these outrages?

Answer. I should think so. If a party was sworn to commit outrages and conceal them, they would of course abide their oath, I reckon.

Question. And if there was such an organization, it would be a little dangerous for any man who was in its secrets to inform upon them or become a witness before the grand jury, or to take any active steps to put a stop to these outrages, would it not?

Answer. That would depend upon the character of the men. If they were a set of desperadoes I suppose it would be very dangerous.

Question. Would not the instinct of self-preservation, too, make them regard as an enemy to be put out of the way any one who should attempt to discover their secrets and bring them to justice?

Answer. Yes; I think men that would take an oath to commit outrages and conceal them, and protect each other in them, might do almost anything you speak of—that you allude to. I do not see what they would stop at at all.

Question. Have you heard that the members of this Ku-Klux organization do take an oath, upon their initiation, to stand by each other, and to defend each other, and to carry out the decrees of their council, and obey their chief, &c.? Have you understood that these are parts of the obligation which they take upon themselves?

Answer. I have never heard anything directly about the oath. I understood you had before your committee—a gentleman in Meridian told me you had before your committee a man that spoke of the oath, that he had seen it. I do not know that it transpired what it was. I heard a gentleman speaking of that; perhaps this same man, Cobb, told me about it; that the Ku-Klux committee had got a man in Gainesville or Livingston to say that there was an oath; he had seen it and taken it. That is the only case I recollect to have heard of. I know the idea prevails that there is an organization and that they are under oath, and all that sort of thing.

Question. You say there is such an idea prevailing?

Answer. In those States I spoke of. I don't think there is any such idea in my section of country, or any section of Alabama.

Question. Is there no idea prevailing in your county that these bands of men who have committed these murders and whippings are bound together by an oath?

Answer. I don't think that is the impression with those I have heard speak.

Question. Is it the impression that they are extemporized for this particular purpose?

Answer. Yes, sir; for the particular occasions.

Question. Is it your idea that these bands originate wholly in the vicinity of the outrages?

Answer. In some of these cases where the negroes whose houses were burned came to me, the impression was that those parties came from Hale, Bibb, and Perry; they all corner pretty close together.

Question. How is it supposed that people living in those different counties would be interested in driving those negroes from their home when they did not live anywhere in that neighborhood?

Answer. Yes; those negroes lived right on the county line. Rogers, whose corn they charged him with stealing, lived in Hale County. Fifer, whose cotton they were charged with stealing, lived near the line of Perry County above. The presumption was that they had come from Perry, or Hale, or both.

Question. How far distant?

Answer. Rogers is some four miles above me, and the negroes were right in his neighborhood, and they might have been gotten up from near Rogers. He is in Hale, close to Perry County.

Question. Passing to other outrages, is it supposed that the men who committed them lived in the immediate neighborhood or came from a distance?

Answer. One of those negroes, Handy Hardwick, lived just over the line in Tuscaloosa County. I am not sure but I have got that negro's name wrong now—Andy Hardwick—but the negro I refer to said they had whipped him because he had gone over into Hale County and voted, and the presumption was that the parties came from Hale County; that they told him he had gone to Hale County and voted at an election, when he belonged to the county above; and they whipped him for it. That is his story. The presumption is that they came from Hale County. In that case Andy had gone down to the election. I don't know whether he voted. He was in the confederate war, and was quite a tactician. He would organize men, and he had gone down with about two hundred armed negroes, but outside of the court-house somewhere they stacked their arms and went into the city quietly and did not do any harm. Whether Handy voted or not I do not know; but soon after he came home some parties came and said he had gone down and voted. He had been a kind of military man, and took others down. They whipped him for that. The presumption was that they came from Hale County. That is the reason parties from other counties came into Tuscaloosa County. These were the reasons given by the negroes themselves.

Question. Because the offense had been committed in another county?

Answer. Yes, sir.

Question. What distance did that party come?

Answer. The country is settled pretty densely there; they may have made up a party pretty near by, or they might have come from some distance off.

Question. Has it not been the case, as far as your knowledge extends, that where men have been visited at night by these parties in disguise, and whipped or killed, that the men whipped or killed were republicans or radicals?

Answer. Well, sir, the negroes that have been whipped or killed are presumed to be republicans, of course. I think the negroes are all republicans in my county, that have been whipped or killed; but the only radicals that I know of that have been killed by violence in our county are these; one I only presume to be a radical, young Miller; and Crossland was a radical or republican. Those two, I think——

By Mr. BLAIR:

Question. And Samuels?

Answer. And young Samuel, I think, was a radical. The other cases, almost all of the killing cases, a large majority of them, had originated in personal quarrels.

By the CHAIRMAN:

Question. But they were not killed by men in disguise?

Answer. No, sir.

Question. I will limit my inquiry to cases of killing and scourging by men banded together in disguise; do you know an instance where a democrat has been thus punished?

Answer. The only disguise cases I know of are this of Miller; Crossland was waylaid—I don't know whether by a party in disguise or not, and the raid that came in and took that negro—I took it for granted that negro was a radical. Those are the only cases of disguise. In Simpson's case I have understood they were not disguised; his wife said they were not disguised; and the young man that killed that German, Frankenhaus, were not disguised; and some other cases I forget now. There was a concealment in the case of Crossland, which was equivalent to a disguise. I have

understood that the parties who killed Miller were said to be disguised, though nobody could tell; nobody was with Miller at the time. His father was not with him. I have always understood he was taken up alone on the road.

Question. You have heard, I suppose, about the two colored men that were taken out of jail at Livingston by bands of men in disguise, and murdered?

Answer. Yes, sir. I, however, don't know that I ever heard of that until within the last ten days. This gentleman from Livingston I met alluded to those cases. If they were published in the paper I would see them; if they were not I would not see them. I do not remember whether I heard of them before very recently or not. Wherever those cases got into the papers, and the papers publish them generally, I saw them. I take both our city papers, and a few other papers through the State.

Question. You have heard of some disturbances in Marengo County?

Answer. Yes, sir; and have seen some in the paper.

Question. About Demopolis and Linden?

Answer. Yes, sir.

Question. You have understood that bands of men in disguise have been doing their work in that county?

Answer. I do not know that I ever saw it stated in that form—whether it was a band of men in disguise. I think it was said that at Demopolis there were bands of men, but I do not remember whether they were in disguise. I take it for granted. They were put down as Ku-Klux, and they are usually understood to be in disguise. I only know what the prints published.

Question. Has it not occurred to you as very remarkable that there should be so many instances of outrage in the different counties, by men disguised, unless there be a general organization in the State?

Answer. I do not know, Senator Pratt. In my early recollections of this country, in the old times, in '37, there was a great deal of that sort of thing went on under the lynch appellation. I don't think there was an organization, though. We used to have a great deal of lynching through Mississippi and Alabama in the early days; and if I might make a precedent of it, I should say, with that precedent ahead of it, this case is not so remarkable. It shows a state of things in a country where there is a great deal of violence such as existed then. In that case I do not think there was a pervading organization, and it may be done the same here in these cases, and there may be an organization. I know nothing of the fact. I know in my section of country we do not believe that there is there any organized body. I have served, since I went into the county, on two or three panels of grand jurors, and the indications were that they were ready to indict any party that violated the law.

Question. Did they indict any of the Ku-Klux when you were on the grand jury?

Answer. There was not a Ku-Klux case reported, I do not think, when I was on the grand jury. There were the raids and Crossland's case that preceded my service on the grand jury. While the military was there for a year, I was on the grand jury once or twice. There were cases of killing we found, but I do not remember.

Question. Have you ever known a Ku-Klux to be brought to trial and punished in your county, or in any other county?

Answer. This man Lovejoy, that was in the raid and shot, would be put down as a Ku-Klux that killed the two negroes. Joy would have been arrested if he had not been killed by Miller. The grand jury had indicted him. The writ was in the sheriff's hands. Mayfield—I am not sure of the name—it was one of the party who lived over in that county, was indicted, and left the State. That was the most stirring raid we ever had there, and these three parties were out, and indicted.

Question. Are those the only cases you can specify of indictment?

Answer. If the Simpson case was of that character, there are two parties indicted for killing Simpson.

Question. That, I understood, was not in daylight?

Answer. Yes, sir.

Question. And the men were not disguised?

Answer. I do not suppose they were.

Question. You don't regard that as a Ku-Klux case?

Answer. There was nobody present but Simpson. If they intended to kill—I do not know how that was, however.

By Mr. RICE:

Question. Your attention was called, by General Blair, to a statement of Judge Peck in regard to northern men settling in Tuscaloosa who were republicans, as to whether they would be discriminated against in business; did not the men you mentioned settle there long prior to the war?

Answer. Some of them did, and some not very long.

Question. All before the war?

Answer. All before the war.

Question. Were any of them republicans?

Answer. Dr. Snow was a republican.

Question. Are there any cases of men settling there since the war, who are republicans, who are prospering in business?

Answer. I do not know. I do not remember whether there are any natives. The business in many departments of merchandise there is absorbed by Germans and Jews; they are foreigners, or of foreign birth.

Question. In your opinion, would a republican lawyer from the North, or a republican physician, succeed well in Tuscaloosa?

Answer. Yes, sir; if he was thought to be the best lawyer he would get the cases.

Question. Take an average?

Answer. If you put a northern lawyer or any man from any of the other States there, and he was considered no better than the home lawyer, then the home lawyer would be taken.

Question. You would not discriminate against him because he was a republican and a northern man?

Answer. I don't think they would; if the man was not foreign—was considered the best lawyer, he would get the business.

Question. The point is, whether they would discriminate against him because he was a republican and a northern man?

Answer. They would take the home lawyer if they thought the home lawyer was equal to him; there is no doubt about that. They would take the home man over any man from any other State—Tennessee, or Virginia, or anything; but if the talent lay on the other side, whether he was republican or not, they would employ him. And I believe if Judge Peck were off of the bench to-day, and would put up an office in Tuscaloosa, with all he has stated here, he would get one side of every big case tried in Tuscaloosa County.

COLUMBUS, MISSISSIPPI, *November* 11, 1871.

WILEY HARGROVE (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. I live on Mr. Eggleston's plantation, five miles from here, down in the bottom, or close to the bottom—five long ones too, as sure as you are born.

Question. Were you in the war?

Answer. No, sir.

Question. State whether you have ever seen the Ku-Klux?

Answer. Yes, sir; I have, and felt them too.

Question. You may tell this committee whether you were ever visited at your house by the Ku-Klux, taken out and whipped?

Answer. Yes, sir; I was visited as cold a night as was last winter; and they took me out and whipped me, and my wife, too.

Question. How many of them came?

Answer. Four men came to the house after me, and about a quarter of a mile from my house, in a pine thicket, there were four more; and they took me right out of bed and carried me out there and stretched me out on the cold, icy frost, and stripped me and whipped me; that is what they done.

Question. Did they have any disguises on?

Answer. Yes, sir.

Question. Gowns or frocks on?

Answer. Yes, sir; something to go over the face and nearly down to the feet, so I could not know them; and they talked outlandish, like those out-country people.

Question. Where did they say they came from?

Answer. They said they came from betwixt the moon and the seven stars. I asked them where they lived, and the moon was shining. They said, "Our home is betwixt the moon and the seven stars."

Question. What did they tell you they had come to see you for?

Answer. They said, "You damned old crippled son of a bitch, you could walk four miles on that staff" (I had this same staff) "to vote against me, and I am going to whip you for it." And he says, "What sort of a ticket did you vote?" I said, "I voted the republican ticket." He says, "God damn you, didn't you know you didn't have to vote against me?" I says, "They gave me the ticket, and I voted it because I thought it was right." He says, "God damn you, we are going to let you know you were not right, and we are going to give you hell to pay for it." And they whipped me on this side and this one.

Question. You might state if you have lost your left leg.

Answer. Yes, sir.

Question. How high up is it cut off?

Answer. Nearly all my thigh is cut off. You can see. And when they got done whipping me, he says, "Now, God damn you, I give you"—that was along the 1st of December they whipped me; he says, "I give you from now to Christmas to leave this country." I was living on a piece of land I bought and paid for, of mine, that I had bought and paid for—me and my son.

Question. Was that in this county?

Answer. No, sir; in Alabama.

Question. In what county?

Answer. In Pickens County.

Question. How far across the line from the Mississippi line?

Answer. Just twenty-two miles, precisely. I expect you know my old master, old Daniel Hargrove, that lived on the Tuscaloosa road, in a big white house on the left-hand side, thirty-six miles from here; that was his place of residence.

Question. They whipped your wife also?

Answer. Yes, sir.

Question. At the same time?

Answer. At the same time. They took us both at the same time.

Question. How many licks did they whip you?

Answer. I cannot tell. They scarred me up right smart. They whipped me with stubs of switches.

Question. Did they take your coat off?

Answer. Yes, sir; stripped me and blindfolded me, and tied a big cloth over my head and behind, and because I sort of pulled it, they knocked me over the head with the butt of the whip.

Question. How many whipped you?

Answer. Two whipped me for a while.

Question. How many licks did they strike you?

Answer. I cannot tell that. I am honest about that.

Question. Was your wife taken out at the same time?

Answer. Yes, sir; both of us at the same time. They went in my house—two of them staid behind; they went in my house and tore down everything they could—a bucket of water, and dishes, and everything over the floor, just as though I had been a dog.

Question. They wanted you to leave before Christmas?

Answer. Yes, sir; we had to go before Christmas. There was a large company of us had to leave. I didn't have time to finish gathering my crop.

Question. Were other colored people visited by these Ku-Klux in that neighborhood?

Answer. Yes, sir, there are some right out here at the door now.

Question. This was last December?

Answer. Yes, sir.

Question. How long did you stay there after that?

Answer. About three weeks, just about; when I landed here at Major Eggleston's plantation it was nine days before Christmas.

Question. What did you do with your land?

Answer. I had to take what I could get for it. I had an eighty-acre piece, a quarter of a mile long and an eighth square. I got a hundred dollars for it. I cleared up nine acres of land, and had a good fence. It was half a mile one way and a quarter of a mile the other; and just got $100 for it.

Question. For the land, and all your improvements?

Answer. Yes, sir.

Question. Had you a good house?

Answer. Yes, sir, and a corn-crib and stable. I had forty bushels of corn standing, a piece of potatoes, too, and I did not have time to gather them.

Question. You left because you thought they would visit you again?

Answer. Yes, sir, that was the reason. After they got done whipping me, he said, "Do you keep your mouth shut; don't you talk." That is just the word. I will never forget it.

Question. What other colored people in that part of the county were whipped also?

Answer. There were some seven or eight black men right around me whipped. One staid here. He has been here nearly all day; he lives a good ways off, and he has gone.

Question. What is his name?

Answer. Samuel Lowe.

Question. Is he here yet?

Answer. No, sir; he said he was obliged to go home. He has gone. I lived in Alabama, within a mile of old man Brunson. He lives now out here at Mr. Joseph's place, on the military road.

By Mr. BLAIR:

Question. How far from here?

Answer. Just below Mr. Eggleston's place, about a quarter of a mile on the military road.

By the CHAIRMAN:

Question. Who besides Lowe was whipped?

Answer. A fellow named Bob Stocksville and Dock Johnson. Henry Lowe is out doors here now. Dock Johnson is not here.

Question. Did these men all leave their places after they were whipped?

Answer. Yes, sir; every one of them had to leave their homes.

Question. Did they own land?

Answer. No, sir; some of them were just working on shares; but they had to leave.

Question. Is your wife here?

Answer. No, sir; she was sick; she could not come here. Mr. Bailey was at my house this morning, and he said for me and my wife to come; but she was sick and could not come.

By Mr. BLAIR:

Question. Is this man Brunson on the place you now live on?

Answer. No, sir; I say, in Alabama, we both lived in a mile of one another.

Question. And he lives now six miles from town?

Answer. No, sir; he lives out here on the military road.

Question. Where?

Answer. Out here at the edge of the town.

Question. He lived close by you?

Answer. Yes, sir; he did that.

Question. You belonged to old Mr. Hargrove?

Answer. Yes, sir; that was my master—Daniel Hargrove. I don't suppose there is many men in Columbus here but what knew him; but the old fellow is dead, though, now. Professor Hargrove, that used to preach here in Columbus, was his son.

Question. Where does he live at this time?

Answer. I am told he lives in Franklin County, Tennessee.

Question. What were the names of the other men whipped?

Answer. Dock Johnson, Henry Low, Samuel Low, and Bob Stocksville; and there would have been a heap more of them whipped if they hadn't laid out. Some of them laid out until they got frost-bit.

Question. This was immediately after you had voted?

Answer. Yes, sir.

Question. When was that?

Answer. Well, it was last November that we were whipped; the third day in November, I think, last fall, that we voted in Alabama; and they put out an oration that they intended to whip every damned nigger that voted.

By the CHAIRMAN:

Question. These men you have named had all voted the radical ticket?

Answer. Yes, sir.

Question. I forgot to ask, did you know any of the men concerned in whipping you?

Answer. No, sir; they were disguised so I did not know them; but I just thought the private opinion, or public opinion—it was just our own neighbors right around us; that was just said amongst the people; that it was just our own neighbors that lived around us.

By Mr. BLAIR:

Question. A man said you had voted against him?

Answer. Yes, sir; he said, "You voted against me, God damn you; I am going to whip you for it."

Question. You know whom you voted against?

Answer. Yes, sir; I voted against the democrats.

Question. Which democrat?

Answer. The whole county, pretty nigh, was democrat, except the colored people. I can tell you who I voted for. I voted for Hays and Smith; you know them, I expect.

By the CHAIRMAN:

Question. Governor Smith and Charles Hays?

Answer. Yes, sir; they is the men I voted for, and I expect all of you heard of the speech they were to make in Carrollton in November—Smith and Hays; they started there to make their speech, and they shot at them, so they never got there; but still they did not kill either of the men.

By Mr. BLAIR:

Question. Did you see them shoot at them?

Answer. No, sir; but I am told that they did, on the way from Eutaw to Tuscaloosa, and from Tuscaloosa to Carrollton.

Question. Did you ever hear them say they were shot at there?

Answer. No, sir. I have heard a great many men—white men—that knowed it, I suppose, while there was some few black people in Alabama that had some soul about them, and some resolution, and were not scared to death.

Question. What white men did you hear say they had been shot at?

Answer. I heard old Mr. Brunson here, for one, say they had shot at Hays, but never touched him; that he had been on his box and speaking, and was about finishing, and just as he went to get in his buggy they let slip at him, and he got in his buggy, and just moved his horse; and they didn't hit him to kill him.

Question. That was at Carrollton?

Answer. No, sir; that was above—between Tuscaloosa and Eutaw, if I understand the thing right; but Alabama is the last place, gentlemen, in the world, although I have been raised there. Since I have been come here, I just call it the last place in the world for a colored man. I just worked hard, me and my boy, and lived saving, ever since the surrender, and I bought my little block of land.

Question. Who did you buy it from?

Answer. From a man by the name of Moore. I bought a little block of land, as I thought.

Question. What was the man's first name?

Answer. Asbury Moore.

Question. What did you give for it?

Answer. I gave a hundred dollars for the eighty acres of land just in the woods, and a cabin on it; and I put out a good corn-crop, and cut pine logs.

Question. Where does Moore live?

Answer. He lives out in Calhoun County. If he had staid there, I would have been there now.

Question. Calhoun County, in what State?

Answer. I can't tell you. That is the county or State he lived in. I saw him before I left there, and he said he lived in Calhoun County.

By Mr. RICE:

Question. In this State?

Answer. Yes, sir; in Mississippi. You gentlemen here have more knowledge about that than I do. It is somewhere in Mississippi; that is all I can tell. I can just tell by what he says.

By Mr. BLAIR:

Question. When did you buy the land?

Answer. I paid for the land this last Christmas, twelve months ago. I paid for it Christmas, every dollar; and I had the pattern, and the form, and the duplicate of all of it just as it lay. I went to Carrollton last April, and I paid two dollars and six bits to get my land up there recorded, and it did me no good. I went to the judge of probate there and paid two dollars and six bits just to get my land deed recorded, and I've lost all.

Question. That was at Carrollton, in Pickens County, Alabama?

Answer. Yes, sir.

Question. You went into Carrollton to have your deed recorded?

Answer. Yes, sir.

COLUMBUS, MISSISSIPPI, *November* 11, 1871.

HENRY LOW (colored) sworn and examined.

By the CHAIRMAN:

Question. Where did you formerly live?

Answer. In Alabama State, in Pickens County.

Question. When did you leave there?

Answer. This October gone was a year ago.

Question. What plantation did you live on?

Answer. I lived at Squire Estes's place, who is justice of the peace. His name is Emery Estes.

Question. Were you ever visited by the Ku-Klux?

Answer. Yes, sir.

Question. You may tell the committee when and under what circumstances you were visited by them.

Answer. I was visited by them on account of having not voted the democratic ticket. I voted a republican ticket, and they had that against me—for voting against them.

Question. How many came to your house?
Answer. As near as I can come at it, I think there was forty in the drove; but they didn't all come right up by the house. Fifteen came to my house.
Question. Did they have disguises on?
Answer. Yes, sir; every man was disguised.
Question. Were they armed?
Answer. Yes, sir; every man was armed.
Question. Did they come on foot, or on horseback?
Answer. They came up to the house on foot, but they had their horses hitched out.
Question. You say about fifteen came to the house?
Answer. Yes, sir; about fifteen.
Question. At what hour of the night was it?
Answer. Just as the clock struck twelve—at midnight.
Question. Did they come into your house?
Answer. Yes, sir; a whole host of them run against the door and just mashed the door, and throwed it across the house, and then commenced shooting at me, and shot at me nine times.
Question. Were you in there with your wife?
Answer. I had no wife; I was just in bed by myself.
Question. What did they do after shooting?
Answer. After they were done shooting, they come in the house then to take me out, and took me out, and they abused me most unmercifully.
Question. What did they do to you?
Answer. They beat me with sticks and clubs after shooting me; they hit me three times out of nine times across the head, and once on the knee, but not deep enough to throw me; and they took me out and beat me until they thought I was dead.
Question. Did you have your clothes on, or were you in your shirt?
Answer. They stripped me stark naked; I didn't have a thing on when they beat me; they just throwed everything off.
Question. How many times did they hit you?
Answer. I couldn't tell how many times.
Question. How many were concerned in beating you?
Answer. Six, I think, whipped me; sometimes there were two at a time; they whipped me two at a time.
Question. What did they say they had against you?
Answer. They said I had voted against their interest.
Question. Did you vote the radical ticket?
Answer. Yes, sir.
Question. At what election?
Answer. At the election at Gordo.
Question. Was that the time Governor Smith was a candidate for election, and Charles Hays was a candidate for Congress?
Answer. It was just after that. It was after that election that caused the fuss.

By Mr. BLAIR:

Question. What election was that?
Answer. At the election that Charley Hays and Governor Smith were candidates.

By the CHAIRMAN:

Question. You had voted for Governor Smith and Charles Hays?
Answer. Yes, sir.
Question. And you voted at Gordo?
Answer. Yes, sir; I had voted at Gordo.
Question. Had anybody threatened you before that for voting the republican ticket?
Answer. They said if I did vote that ticket what they would do, and I told them I would vote that ticket that afternoon, and I wanted to vote it; and I thought they were just trying to scare me out of it; I had no idea they would interfere with me.
Question. Did you know any of these men who came to your house?
Answer. Yes, sir; I know some of them.
Question. How did you know them, by their voices or size?
Answer. I knew them by their voices and by their size; I was raised right among them—some of them.
Question. Had you lived in Pickens County a long time?
Answer. I was raised right there at old Jimmy Lane's, at Gordo.
Question. Whom did you suspect to be among the number, or don't you like to give the names?
Answer. I had rather not do that; there is a little danger in that; I had rather not do that if I can help it.
Question. I will not press it. Did they tell you what they would do if you told on them?

Answer. Yes, sir; they told me if I told it death would be my portion.
Question. Did they warn you to leave?
Answer. Yes, sir; to leave the State and never come back.
Question. Did they charge you with any offense—stealing, or anything of that sort?
Answer. No, sir; nothing but just voting against their interests; they were democrats, and did not want me to vote the radical ticket.
Question. That was the only thing they alleged against you?
Answer. The only thing they told me about.
Question. How long did you stay after being beaten?
Answer. They had done it one night, and I left the next night.
Question. Were you afraid to remain any longer?
Answer. If I had staid there the next night—I understand since I came away they rode after me the next night to kill me if I wasn't gone; I left the night after.
Question. Do you know, or have you heard, of any other colored people in that part of Pickens County being whipped?
Answer. I fetched one here that was whipped at the same place. He was a fellow-servant of mine.
Question. Who, besides Sam. Low, have you heard of as having been whipped there; did you ever hear of Doc. Johnson?
Answer. Yes, sir; Doc. Johnson was whipped in that same settlement.
Question. Bob Stocksville?
Answer. Yes, sir: Bob Stocksville and Tom Gardner; they were black ones; and then there were some white folks whipped there mighty bad.
Question. At what election did you vote?
Answer. I voted at Charley Hays's election and Governor Smith's.
Question. And they whipped you immediately afterwards?
Answer. Yes, sir; directly afterwards.
Question. Were those other men whipped about the same time?
Answer. No, sir; most of them were whipped last year—last election.
Question. When last year?
Answer. I think it was last winter.
Question. Do you know Willie Hargrove?
Answer. Yes, sir; we were raised in the settlement together.
Question. Was he whipped at the same time?
Answer. No, sir; he was whipped since I was.
Question. How long since?
Answer. Well, I reckon, it was two months, or near abouts, since I was whipped first.
Question. You knew him when he lived over there?
Answer. Yes, sir; we were raised up boys together; he lived on Daniel Hargrove's, and I lived on Jim Lane's; they were cousins; between here and Tuscaloosa.
Question. Where was he living when he was whipped?
Answer. At Mary Patt's, a widow woman.
Question. Was he hired to her?
Answer. No, sir; he was not. I think he had bought a piece of land from her, about a hundred or two yards; just a little shot of land, and was living on it.
Question. Did he buy the land from her?
Answer. No, sir; he bought it from Mr. Moore, and there was a sort of dispute about the line between her and Mr. Moore. Mr. Moore said it was his, and she said it was hers, and Mr. Moore let him have it; but it was right on the line between them, and some said it was one side of the line, and some said the other side.
Question. How do you know he bought land?
Answer. I was there when he bought it.
Question. When did your election take place?
Answer. I don't remember exactly what day of the month the election came on, but it was Charley Hays's election.

By Mr. RICE:

Question. What month was it?
Answer. I think it was in October—either October or the last of September; I am not certain which.
Question. Whose place did you live on when the Ku-Klux came?
Answer. Emory Estes's.
Question. Is he living there now?
Answer. Yes, sir, unless he has moved this year.
Question. How far is that from Carrollton?
Answer. It is fourteen miles sort o' northwest from Carrollton; it is more than that; I reckon, too, it is not more than that. Have you any idea where Reform is?
Question. No.
Answer. Well, there is a post-office called Reform.
Question. It is fourteen miles northeast of Carrollton?

Answer. Yes, sir; about that.
Question. Did he know you were whipped?
Answer. Yes, sir; he saw it; he came out of his house, and they bid him go back and shut his doors; he stood out in his porch and saw the scrimmage there at his house; and they took me off half or a quarter of a mile.
Question. Did he interfere with them?
Answer. No, sir; he didn't interfere; they forbid him; he came out to see, and they forbid him to come out; they told him to go in and close his doors; they were after him, too, because he is a radical.
Question. You lived there last October?
Answer. Yes, sir.
Question. Where did you vote—at Carrollton or Reform?
Answer. At Gordo, right where I was raised.
Question. How far is that from Carrollton?
Answer. It is about fourteen or fifteen miles, too; but it is nearer right east of Carrollton.
Question. How far from Reform?
Answer. Just eight miles.
Question. You got here in October?
Answer. Got here in October; I think it was the 10th day of October I landed here at Columbus.

By the CHAIRMAN:

Question. What day in October was the election?
Answer. I disremember what day it was, but I think, as well as my remembrance serves me, it was Monday.

By Mr. RICE:

Question. Was it the 10th day of the same month of the election that you came here?
Answer. Yes, sir.
Question. Or the next month?
Answer. It was the same month. I got here the 10th of October.
Question. The 10th of the month the election was in?
Answer. No, sir. I came here——
Question. How many days after election did you start from home?
Answer. It was a week or better after the election before the Ku-Klux did anything with me, and as soon as the Ku-Klux did something with me, I put right out.

By the CHAIRMAN:

Question. How long were you in coming here?
Answer. A day and a night.

By Mr. BLAIR:

Question. You remember you got here on the 10th of October?
Answer. Yes, sir; I got here on the 10th of October.
Question. Your memory is very clear about that?
Answer. Yes, sir.

COLUMBUS, MISSISSIPPI, *November* 11, 1871.

SIMEON BRUNSON sworn and examined.

By the CHAIRMAN:

Question. Where did you live before coming to Columbus?
Answer. I lived in Pickens County, Alabama.
Question. When did you leave there?
Answer. I left there, sir, I reckon, about a month after Christmas.
Question. How long had you lived there?
Answer. I lived there about twenty-seven years.
Question. Do you know when Henry Low, who has just testified here, left that neighborhood?
Answer. Yes, sir.
Question. In what month was it?
Answer. I don't know; it was just after Christmas a little while; it was in the winter, I think.
Question. Was he there at the time of the election?
Answer. I think he was there; he left there just after the election.
Question. What time did your election come on?
Answer. I don't remember now.

Question. You don't remember whether the election occurred in October or November?

Answer. No, sir; not positively.

Question. You may state what was the occasion of your leaving and coming to this State.

Answer. Well, sir; I could not get any hands to work there on my place. I had ginned cotton, got it out by myself and couldn't get hands even to pick it; they wouldn't let a negro stay on the place; they would make them leave; that didn't interrupt me, but they would ride around my house.

Question. You are speaking of the Ku-Klux?

Answer. Yes, sir. You asked me to state what made me leave.

Question. Yes, state it.

Answer. I was stating that. The fact is, I felt very certain they were trying to rake up something against me, and I felt that I was in danger.

Question. You thought the Ku-Klux were trying to rake up something against you?

Answer Yes, sir; but before that, while I was passing through Sipsy Swamp with Mr. Crossland and a step-son of mine, going to Montgomery, some men had got in ambush at the edge of the swamp and shot Mr. Crossland as he was riding by me; I could have put my hand on his head when he fell; it killed him; and they shot my step-son on the other side of the road, some five steps from me. Mr. Crossland was considered a very excellent man, and that circumstance, with several others, made me believe that I was actually in danger. They took Mr. Latham, that lived not more than a quarter of a mile from me—he lived on one block of forty acres and I on the another—and they whipped him very severely.

By Mr. BLAIR:

Question. Who was that man whom they whipped?

Answer. Mr. William Latham; they whipped him very severely, and broke down all his little shrubbery, and turned over his safe in the kitchen, and broke up all his plunder. They had a committee in there the next day examining. I think they said the damage done to him was probably sixty dollars, I don't remember exactly.

By the CHAIRMAN:

Question. Was Mr. Latham a white man?

Answer. Yes, sir; and one of the most innocent, excellent men in the country; he was a Baptist preacher. I knew that I was not as good a man as Mr. Latham was, and I didn't know what would be my fate, if he was to be treated in that way.

Question. Do you know what his offense was?

Answer. I can tell you. He owned a mill within a mile or two of my house; he was a preacher and had to attend a meeting, and he sent a boy to the mill to attend to the mill, and told the boy to keep out of the canoe or he would get drowned; and Mr. Latham told the boy not to let any other boys take the canoe, and to keep out of it himself; but some of them went into it, or went to take it off, and the boy knocked them off and wouldn't let them have it. He told the boys not to touch the canoe; that Mr. Latham said they must not interfere with the canoe at all. These were white boys. They cursed him and struck him, and I think this negro boy hit one of them, probably, but it all wound up, and when Mr. Latham came home he was told of it, and he said if he had been there he would have protected that boy; that he says is the charge that these men brought against him, and that is all I ever heard or knew of it. He is one of the best men in that section of the country; one of the most inoffensive and excellent men; everybody will say it. He lives there now.

Question. Did you say he was a preacher?

Answer. Yes, sir, a Baptist preacher. Before I left there was another Baptist preacher living some five or six miles from there named Mr. Frank Carter. They took him and whipped him very severely.

Question. Was he a white man?

Answer. Yes, sir. He had a son named Charley Carter, who was a married man, and they took him out and took him away from his wife—she was in labor at the time—and they took him out and whipped him badly, so badly that I don't know whether he will ever get over it fairly; they hurt his head so miserably that I don't know whether he ever will get over it, and he is there now. They whipped him so badly that he couldn't get away. Their father got away, and he is living down somewhere about Meridian.

Question. Was the father whipped as well as the son?

Answer. Yes, sir, they whipped them both. This Charlie Carter was born and raised there, and he was a most excellent boy. I can give the cause why they whipped him.

Question. We want to know it.

Answer. There was a Ku-Klux bill passed in the State legislature giving a man so much that was whipped; I don't remember exactly now how the law read.

Question. That was where he sued the county?

Answer. Yes, sir. He was a poor boy, and he said, "I would give $5 if I could execute that law—if they would come and whip me." That was the charge they had against him; he says that was what they told him when they whipped him.

Question. Do you know what were the politics of Carter and his son?

Answer. Yes, sir.

Question. What were they?

Answer. They were radicals.

Question. What were the politics of Latham, the Baptist preacher?

Answer. The same—a republican.

Question. What were yours?

Answer. The same; I was a republican.

Question. Do you know of any other white man being interfered with there?

Answer. Yes, sir; I say I know it; I don't know whether I can say positively that I know it.

Question. You can state any information you have that you deem reliable.

Answer. There has been a white man whipped there since that time, and the parties have been returned to the court and come out clear. Dr. Daniel Davis swore to knowing one of the men, but they didn't hurt him.

Question. And the jury acquitted him?

Answer. Yes, sir; that is the rumor there; I almost know it to be a fact myself; it is from good authority, and I can't doubt it all.

By Mr. BLAIR:

Question. Who was whipped?

Answer. I can't think of his name; he was a one-legged man. I only knew him slightly; he hadn't been there long when I came away.

By the CHAIRMAN:

Question. Do you know any of those colored people to whom the committee have been referred—Wilie Hargrove, Samuel Low, Bob Stocksville, Dock Johnson, and Henry Low?

Answer. Yes, sir, I know them well.

Question. Do you know, or have you been informed, that these people have been whipped?

Answer. I heard them whip Wilie; he was living with my daughter on her place.

Question. You heard them whip him?

Answer. Yes, sir; and I heard them whip Latham; I heard the pistols fire over him.

Question. State the particulars of the whipping of Wilie Hargrove.

Answer. I only went to the place; I heard the whipping of the family; heard it, and the next morning I went along and saw the place where they whipped him; but what they whipped him for I don't know.

Question. Did he bear the prints of being whipped next morning?

Answer. I didn't see. I saw his wife; she was badly whipped at the same time; I saw some effect of it on her.

Question. Did you hear all the particulars of the whipping of Henry Low?

Answer. No, sir; and I don't know what they whipped him for; I saw that place; I heard them when they whipped him; I didn't hear the lashes, but I heard the firing of the pistols when they first came around his house; I didn't hear the whipping.

Question. Did you hear the whipping of Samuel Low?

Answer. No, sir; I didn't hear it.

Question. Did you hear of it?

Answer. Yes, sir; everybody knew it in the settlement.

Question. Also Dock Johnson and Bob Stocksville?

Answer. Dock Johnson I don't know anything about.

Question. Did you hear the whipping of a colored man?

Answer. No, sir.

Question. Do you know him?

Answer. Yes, sir; I reckon there is a Dock Johnson; he lived with me one year, but I don't know anything about his being whipped.

Question. Did you learn of Bob Stocksville being whipped?

Answer. Yes, sir.

Question. Did you hear what these various colored people were whipped for?

Answer. Yes, sir; for voting.

Question. Do you believe that is the cause?

Answer. Yes, sir; I believe that is the cause. I don't know of any being whipped that didn't vote; not one.

Question. Have you heard of any other whippings of colored people?

Answer. O, Lord, I have heard so much of it that I couldn't tell you from now until I don't know how long. There has been a great deal done in that section of the country.

Question. What has been the effect on the colored people?

Answer. It has caused them to leave there, most of them; they have come to Mississippi squandering about.

Question. Have you any idea who these Ku-Klux are?

Answer. I have an idea; I only know from circumstances. They came to my house and stopped there. They rode up and talked to my wife and to me, but they talked in broken language; I could understand it, but I couldn't recognize a voice.

Question. Did they give you any warning?

Answer. Yes, sir; they warned me in the newspaper; after they warned me by letter.

Question. You have received Ku-Klux letters?

Answer. Yes, sir.

Question. What was the substance of the warning?

Answer. To leave the country, or to be hanged, one said. I was to be hanged as high as I don't know what all. They threatened me with that.

Question. Did they state what your offense was?

Answer. No, sir; I took it for granted it was my politics.

Question. It was matter of general notoriety that you had voted the republican ticket?

Answer. Yes, sir.

By Mr. RICE:

Question. Were you a member of the legislature?

Answer. Yes, sir.

Question. You were one of the representatives, on your way to Montgomery, at the time that Mr. Crossland, who was with you, was killed?

Answer. Yes, sir.

Question. Was there more than one shot fired at the time?

Answer. Yes, sir.

Question. How many?

Answer. Three, I think, sir.

Question. Did you get sight of the retreating men?

Answer. No, sir; I didn't see them.

Question. What kind of a thicket was that?

Answer. We had just crossed the bridge, and right at the foot of the bridge, as it turned to the left by the river, the men, I reckon, were right in front. I supposed so then, and I gave my testimony in Montgomery, on this subject, stating that circumstance, but I thought then that they were under the bridge, and so stated; it was a sort of smoking. I suppose now it was the smoke of the water, and I am convinced that these men were straight before me. As quick as I turned I was right in the way of the man that shot Mr. Crossland; I was so close that I could have picked up the paper from the gun. I know the paper the gun was wadded with; it was a newspaper. The people of the settlement went back there the next day and examined to see where these men were, to see if they could make any discovery, but they could only find where they stood, and they got the wadding, saw the tracks, and nothing more.

Question. It has been said here that there were no other tracks except those of a single man, who was alone.

Answer. It was where no man would have gone; it was in a little thicket just before me; it was right in the way; there was a big log and a big burnt tree—a large white oak—and a man could hide himself perfectly secure there from any one on the road, where I suppose the shooting was.

Question. Do you think the three shots were fired by one man, or more than one man?

Answer. I should suppose they were from three guns. I should suppose so from the sound and from the tracks; they say there were three tracks seen. Men I could rely on said so; they were as good men as are in that section of country.

Question. You didn't examine them yourself?

Answer. No, sir.

Question. What is your opinion about it; did they intend to kill both you and Mr. Crossland, or merely Mr. Crossland?

Answer. I don't think they intended to kill me from the fact that I was riding between Mr. Crossland and them at one time, and they waited until the road turned enough for them to shoot Mr. Crossland as he was riding behind me. They had a chance to kill me afterwards. I tried to ride up to my step-son. I made two or three attempts to do it. I wanted to pick him up, but I thought they would kill me right there. My mare was in a tantery, and the mule was frightened and whickering for the mare, and I couldn't hold her; I went on to Montgomery.

Question. To Montgomery?

Answer. Yes, sir; I went to Tuscaloosa and reported the facts and tried to get Mr. Lewis, the sheriff, to get a posse and go out, but it couldn't be done; they were afraid; no man would go.

Question. What was the cause for which he was shot?
Answer. I suppose it was on account of his politics.
Question. What reason have you for believing that?
Answer. He was truly a radical, and in the legislature the year before that he voted against removing disabilities, and there was a great deal of threatening and prejudice against the old man, though he was an excellent man, but he was a radical in his views.
Question. Did he ever tell you that he had been threatened and was apprehensive?
Answer. No, sir; he told me he had been threatened, but that he was not a particle afraid of it. I told him myself one day about it; he said he wasn't afraid; I told him it didn't make it any the less dangerous that he wasn't afraid.
Question. Did he ever receive any Ku-Klux letters?
Answer. Yes, sir; he told me he had received them; he didn't show them.
Question. Did he tell you what warning they had given him?
Answer. I don't remember; he may have done so, but that was a very common thing, and I couldn't tell.

By Mr. RICE:

Question. When was he killed?
Answer. I really don't know now.
Question. Eighteen hundred and sixty-eight or eighteen hundred and sixty-nine?
Answer. Eighteen hundred and sixty-nine, I reckon.
Question. The second session of the legislature?
Answer. Yes, sir.

By the CHAIRMAN:

Question. He was aware himself that his course in the legislature in voting against the removal of political disabilities had given great offense to the democrats?
Answer. Yes, sir; he was apprised of that.
Question. Your own opinion is that he was assassinated because he was a radical and had pursued the course he had in the legislature?
Answer. Yes, sir; and I account for my step-son being shot in this way: Dr. Bogle is now judge of the court at Carrollton, and I think they shot my step-son thinking it was Dr. Bogle.
Question. Was Dr. Bogle obnoxious to the democrats up there?
Answer. Yes, sir, of course he was. He was a republican, nothing more.
Question. Had they any special grudge against him?
Answer. None that I know of.
Question. Are these colored men whose names I have mentioned reliable perso. Wilie Hargrove, Samuel Low, Henry Low, and Bob Stocksville?
Answer. I think as much so as any; that is, the first three that you called. I think Sam Low stands as fair, probably, as any darkey in the land anywhere.
Question. You would believe him yourself?
Answer. Yes, sir.
Question. And Henry Low?
Answer. I wouldn't consider Henry altogether as reliable, though I don't know anything against him; but Sam Low is an excellent negro.
Question. What is the standing of Wilie Hargrove?
Answer. Very good, sir.

By Mr. BLAIR:

Question. You said you heard them whipping Sam Low?
Answer. No, sir; I heard them whipping Wilie Hargrove.
Question. You did not hear them whipping Low?
Answer. No, sir; I told these gentlemen I didn't see Low.
Question. You do not know of his being whipped?
Answer. Yes, sir; I saw the place and the rags and blood of Henry Low, but I didn't hear them whipping him, I say. I heard them whipping Mr. Latham.
Question. You were a radical?
Answer. Yes, sir.
Question. If they killed Mr. Crossland because he was a radical, would they not have killed you, too?
Answer. No, sir; I don't suppose I had offended them as much as he had; as I told you just now, he didn't vote to remove the disabilities, while I did, and I reckon that made him a little more offensive to them than I was. I know there were heavy complaints against him there for it.
Question. You never saw the place where this man was supposed to be secreted?
Answer. No, sir.
Question. You never examined it?
Answer. No, sir.

Question. You never saw those tracks?
Answer. No, sir.
Question. And never saw any person at all?
Answer. No, sir.
Question. You thought, in fact, that the fire came from under the bridge?
Answer. Yes, sir; at the back, and it was right in front.
Question. You didn't see a person who fired?
Answer. No, sir; not a glimpse.
Question. You do not know whether there was one or three?
Answer. No, sir; only from the tracks—they said there were three. I didn't see even the tracks; I never saw them; I went straight on to Montgomery, or I went on to Tuscaloosa and staid there. That was early in the morning, about half an hour by sun.
Question. Were they buckshot?
Answer. They were shot, I am told, bullets, small bullets, running-molds.
Question. Both of them?
Answer. Yes, sir.
Question. Shot out of a shot-gun?
Answer. Yes, sir; small bullets from a shot-gun.
Question. Both of them may have been shot by one discharge?
Answer. No, sir; that was impossible if they were where they say they were. I was between them; one was five steps from me. The road is very broad where it goes off of the bridge; there was a little mud in the center and my step-son was on the extreme right, and Mr. Crossland and me on the extreme left. I was between them.
Question. They might have been both shot by one man with a double-barreled shot-gun; shooting first one and then the other?
Answer. That might have been, but I don't think it was done in that way; that is not my opinion. I think that there were two other men, from the tracks and all that I saw.
Question. You didn't see the tracks?
Answer. No; but I have it from a very reliable source. I didn't see a soul; I can't tell you anything about them of my own knowledge.
Question. You turned and left immediately?
Answer. No, sir; not immediately. I whirled back and tried to reach my step-son, and my mule was shot. There were three guns fired and the mule came toward me whickering. I tried to ride up to the boy; I tried two or three times; but my mare was desperately scared and reared up with me, and I thought, "I will be shot if I go there;" and I just whirled and left the place; so I saw no one at all.
Question. You say these men were whipped for voting; how do you know it?
Answer. I say that was what they said. I was not present when they were whipped and didn't see them. I heard them whipping them, but didn't hear them say what they were whipping them for. I didn't hear them asking it, but I would suppose so and everybody supposed so; there were no other persons only them that were republican in sentiments.

By the CHAIRMAN:

Question. Was it the case that nobody but republicans were so visited?
Answer. Yes, sir; nobody but republicans were whipped, and it was general talk; they always said that was it. Now, Latham, as I told you, said he would protect the negro, and he would have done it if he had been there.

By Mr. BLAIR:

Question. Where is Latham?
Answer. He is at home, sir, living right there at the same place.
Question. Where does he live?
Answer. He lives near Hargrove—three miles from Hargrove's; it is about six miles from Reform, and so is Charley Carter living there; they live within a half a mile of each other now.
Question. When did you say Henry Low left there?
Answer. I didn't say when; I think it was just after the election; I didn't take notice what time he left there.
Question. Do you know, of your own knowledge, when he left?
Answer. I didn't see him when he left. I never saw him after he was whipped, really; it was within a half a mile of me; he lived with Squire Estis; I saw the place next morning where he was whipped, and saw the blood on the sticks, and saw part of his clothes lying there in the road, and he had his orders to leave; they said he couldn't leave there, for he wasn't able to get away from there, and wouldn't be at the expiration of the time they would give him; but he did leave, and I never saw him there any more. I came here to sell cotton, and found him here in Columbus.

By the CHAIRMAN:

Question. You owned and operated a plantation in Pickens County?

Answer. Yes, sir; I own it yet. My wife is out there now on the plantation. I have white men working on it, but I can't keep a darkey there—not one.

COLUMBUS, MISSISSIPPI, *November* 11, 1871.

SAMUEL LOW (colored) sworn and examined.

By the CHAIRMAN:

Question. Where did you live before coming to Lowndes County, Mississippi?

Answer. I lived in Alabama.

Question. In Pickens County?

Answer. Yes, sir.

Question. Are you a brother of Henry Low?

Answer. No, sir; we used to live together.

Question. You are not a relation of his, then?

Answer. No, sir.

Question. You are acquainted, are you, with Mr. Simeon Brunson, that just left the room?

Answer. Yes, sir; I have known him for some time.

Question. Did you live near him in Pickens County?

Answer. Yes, sir.

Question. Did you vote last fall in Pickens County?

Answer. Yes, sir.

Question. Did you vote the radical ticket?

Answer. Yes, sir.

Question. Were you visited by the Ku-Klux after the election?

Answer. Yes, sir.

Question. How many came to your house?

Answer. I don't know how many there was; they frightened me so when they came that I couldn't tell anything about it.

Question. Did they have disguises on?

Answer. Yes, sir.

Question. Were they on horseback?

Answer. Yes, sir.

Question. Did you notice whether they were armed?

Answer. No, sir; I didn't notice.

Question. Did you notice whether they had pistols or guns?

Answer. No, sir; I didn't notice.

Question. What time in the night did they come to your house?

Answer. They came there about good bed-time. I had laid down when they came.

Question. Were you asleep?

Answer. No, sir.

Question. Are you a man of family?

Answer. Yes, sir.

Question. State to the committee the particulars, what they said and did after they came.

Answer. They rode up there and asked me who lived there; I told them Sam Low; they asked me did I vote the radical ticket; I told them I did; they told me to get over the fence and go with them.

Question. Did you have your clothes on at the time?

Answer. I put on my breeches when I went out to them in the yard, and they dragged them off.

Question. What did they do then?

Answer. They whipped me.

Question. In your yard?

Answer. No, sir; they took me up the road about two hundred yards, I reckon.

Question. How many whipped you?

Answer. I don't know, sir. They had my head covered up, and some were holding me down; I couldn't tell how many there were.

Question. Do you know how many blows they laid on you?

Answer. I reckon some eight or nine lashes.

Question. Was that all?

Answer. Yes, sir.

Question. Did they hurt you much?

Answer. Yes, sir; they laid them on pretty severe.

Question. What did they say to you while they were whipping you?
Answer. They asked me would I vote any more; I told them no, sir; they let me up then.
Question. Did they warn you to leave the country?
Answer. Yes, sir; they told me to get away from there: that they would give me from that until the 1st of January to get away from there.
Question. In what month was this that they were whipping you?
Answer. I believe it was about the last of this month.
Question. Of November?
Answer. Yes, sir. It was getting just about as it is now.
Question. How long was it before Christmas?
Answer. I think it was about a month and a half before Christmas.
Question. Were you whipped at the same time that Henry Low was whipped?
Answer. No, sir; he was whipped before I was.
Question. They gave you until the 1st of January to leave?
Answer. Yes, sir.
Question. Did you own any land?
Answer. No, sir.
Question. Did you own any stock?
Answer. Yes, sir; I had some hogs and cows.
Question. On whose plantation were you working at the time?
Answer. Mr. Silas Junkins's.
Question. What time did you leave there to come here?
Answer. I left there, I think, about two weeks to Christmas.
Question. Did you leave because you were afraid to stay there?
Answer. Yes, sir; they told me to come away from there, and I thought it was best for me to get away.
Question. Did they hurt you much when they whipped you?
Answer. Yes, sir; they hit me pretty severe, what lashes they did hit me.
Question. Did you know any of the men?
Answer. No, sir.
Question. Did you suspect who any of them were?
Answer. I thought one of them was Dave Call; I couldn't say for certain.
Question. Were they young men?
Answer. I couldn't tell much about them.
Question. You say they were covered with disguises?
Answer. Yes, sir.
Question. Did they have disguises on their faces and bodies also?
Answer. Yes, sir.
Question. Were their horses disguised, or did you see them?
Answer. Yes, sir; the horses were all covered over.
Question. How many do you think there were, in all?
Answer. I couldn't tell anything about it.
Question. Did they tell you who they were or where they came from?
Answer. No, sir.
Question. Did they tell you they were Ku-Klux?
Answer. No, sir; they didn't say anything, only just asked me who lived there, and I told them; and then they asked me did I vote a radical ticket. I told them I did, and they told me to come and go with them.
Question. Have you heard that Bob Stocksville was whipped, and Willie Hargrove?
Answer. Yes, sir.
Question. Have you heard that Dock Johnson and Bob Stocksville were whipped also by the Ku-Klux?
Answer. Yes, sir; they were whipped within a half a mile of where I was.
Question. Were they whipped the same night?
Answer. Bob and Dock were.
Question. The same night that you were whipped?
Answer. Yes, sir.
Question. Did you all live near each other?
Answer. Yes, sir.

By Mr. BLAIR:

Question. When was the election at which you voted, that you talk about?
Answer. I can't tell what time it was; it was last year at the Call precinct.
Question. Was it in November?
Answer. I can't tell you.
Question. How long after the election were you whipped.
Answer. I can't tell you that exactly, but it wasn't long, though, before they came around.
Question. They whipped you in November.

Answer. Yes, sir, I think that was the month.
Question. You think it was not long after the election that they came around?
Answer. It wasn't long after we voted that they came around.
Question. Was it as much as a week?
Answer. Yes, sir; I reckon it was more than a week.
Question. Two weeks?
Answer. Yes, sir, I think it was two weeks.
Question. Was it as much as three weeks?
Answer. I couldn't tell you exactly. I didn't keep up with the months and weeks.
Question. Do you not know whether it was two or three weeks after the election?
Answer. No, sir; I don't know whether it was two or three weeks, but it wasn't long after the election before they came around.
Question. Was it three weeks or four weeks?
Answer. I reckon it was three weeks.
Question. Not more?
Answer. I don't think it was more.
Question. How long did you stay there after you were whipped?
Answer. I reckon I staid there about two or three weeks; just as soon as I could get my business fixed up.
Question. Two or three weeks?
Answer. Yes, sir.
Question. When did you come here?
Answer. I came here about a week before Christmas, near about that time.
Question. That would make it about the last of November that you were whipped; if you staid there two or three weeks and came here a week before Christmas, it would make it about the latter part of November that you were whipped, which would be about three weeks after the election, would it not?
Answer. I couldn't tell exactly, I never tried to keep up with the time.
Question. You lived on Junkins's land?
Answer. Yes, sir; Silas Junkins.
Question. Did he know anything about your being whipped?
Answer. Well, he said he didn't.
Question. Junkins, you say, stated he knew nothing of your being whipped?
Answer. He knew it after they whipped me, but he said he didn't know they were coming after me.
Question. Did any other white man live near by you?
Answer. Mr. Roper lived about a quarter or half a mile.
Question. What is his first name?
Answer. I don't know what his name is besides Roper.
Question. Is he living there still?
Answer. Yes, sir, he was a few weeks ago.
Question. Did you tell him about your being whipped?
Answer. Mr. Roper?
Question. Yes.
Answer. Yes, he knew it after they came and got me.
Question. You say he knew it?
Answer. Yes, sir.
Question. Did he hear them whipping you?
Answer. No, sir; I don't reckon he heard it.
Question. You told Junkins, too?
Answer. Yes, sir; I told Mr. Junkins, he wasn't at home the night they came there.
Question. What is Roper's politics; is he a radical?
Answer. I don't know what he is.
Question. What is Junkins?
Answer. He is a radical.
Question. Who did you say you thought whipped you?
Answer. I thought Dave Call was one of them. I wouldn't be certain, they were fixed up so; I couldn't tell anything about them hardly.

[The following communications were received from Judge William S. Mudd (see page 1745) and ordered to be printed in the record of testimony:]

ELYTON, *November* 1, 1871.

Gentlemen of the Congressional Committee, Livingston, Alabama:

In my testimony in reference to the outrages committed in Jefferson County, I stated that there was one precinct in which all the votes were cast for General Grant, in 1868, and that in this precinct or neighborhood there had been one whipping, &c.

I now remember that there was probably four or five votes cast for Seymour, and that there were two whippings instead of one.

Although I do not deem the correction I propose to make very material, yet, as I desire to be as accurate as possible, I would prefer to have the following statement inserted in lieu of that made by me yesterday on this point:

"As some evidence that Ku-Klux organization in my circuit is not altogether, if at all, political, I would state that in one precinct in Jefferson County, where nearly every vote was cast for General Grant in 1868, it is said that two men had been whipped by disguised persons within the last twelve months. One of the men whipped was white, the other colored, and both were charged with larceny. The whippings were said to have been inflicted by persons living in this neighborhood and belonging to the Ku-Klux."

In reply to the question asked me about the truth of the statements in the preamble to our State Ku-Klux law, I desire to make the following answer in lieu of the one made by me yesterday:

"I would say that this preamble, with some not very important modification, does contain a pretty correct statement of the condition of things in this State about the time of the passage of the law. Since that time, however, a very great change for the better has taken place. In some parts of my own circuit, where at that time much lawlessness and crime prevailed, the people are now quiet, orderly, and law-abiding; but there is still in parts of my circuit an undue proportion of crime, lawlessness, and disorder."

Respectfully,

WM. S. MUDD.

ELYTON, *November* 4, 1871.

Gentlemen of the Congressional Committee:

In my examination as a witness before the committee, I was asked to give my opinion as to the objects and purposes of the Ku-Klux organization.

I was not expecting my opinion to be called for, and my answer, not being fully considered, was not so full, direct, and satisfactory as I could desire or as, perhaps, its importance demands. As far as my answer given to the question goes it is all right, but the following would be an answer more satisfactory to myself:

I would now answer as follows, under oath:

"I have had much difficulty in coming to a satisfactory conclusion on these points. My opinion, however, is that the organization is composed, for the most part, of wild, reckless, and irresponsible men. Very few men of age, character, or influence belong to it, although I have no doubt some very good men sympathize with the organization while they condemn many of the acts of its members.

"It is, I think, an anti-negro organization. Its members are unwilling that the negro shall exercise fully the rights to which he is entitled under the Constitution and laws of the State and the United States. They wish to keep the negro in a dependent, subordinate condition. They recognize the fact of his emancipation, but repudiate the idea of his right to equality before the law. They seek, by means outside of the law, to regulate his conduct as a man and his rights as a citizen. In other words, they form a self-constituted vigilance committee. Hence, when a difficulty arises between a white man and a freedman, no matter from what cause, but especially from contracts for labor, or when a freedman offers any personal violence, or uses any insulting words to a white man or woman, or is supposed to have committed any larceny or other offense, or has for any reason become obnoxious to the sentiments of the white people in the neighborhood in which he lives, it not unfrequently happens that such freedman receives a visit from some of the Ku-Klux in disguise, and is punished generally by the infliction of stripes, but sometimes even with death.

"These outrages are generally inflicted on colored persons, but sometimes white persons share the same fate.

"I do not think any direct attempts are made by the Ku-Klux to control the colored voters by threats of personal violence or other means of intimidation. It may be possible that the fear of the Ku-Klux has the effect to keep some of the colored men from the polls, but I cannot say that such is the fact.

"I speak of the Ku-Klux organization as it exists in my immediate section of the State."

If the above can be with perfect propriety inserted as a part of my testimony, in lieu of what I have heretofore stated on these points, I would be much pleased to have it done.

Respectfully,

WM. S. MUDD.

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